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BUREAU OF LABOR STATISTICS
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BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS . . . . No. 268

MISCELLANEOUS SERIES

HISTORICAL SURVEY OF INTERNATIONAL ACTION AFFECTING LABOR

AUGUST, 1920

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PREFATORY NOTE.

This bulletin consists of an historical survey of international action affecting labor, and carries the story up to 1914. It includes a brief account of the international political labor movement as seen in the early International and its later organization as the International Socialist Bureau; it describes briefly the international trade-union movement, and the international organizations of so-called "social reformers" interested in labor problems, considering particularly the International Association for Labor Legislation; and finally it recounts the efforts of governmental conferences to arrive at agreements as respects the control of labor conditions within their respective jurisdictions. Analysis is made of the treaties and conventions entered into by the various Governments.

The bulletin is based partly on a manuscript furnished by Mr. Boutelle Ellsworth Low, New York City, and partly on material prepared in this Bureau. Mr. Low's manuscript was extensively revised by the Bureau. The parts of Mr. Low's manuscript used consist of portions of Chapters I and V, the whole of Chapters II, VI, VII, and VIII, and the appendixes. Chapters III and IV and the larger part of Chapters I and V were prepared by Mr. Leifur Magnusson, of the staff of the Bureau.

BULLETIN OF THE

U. S. BUREAU OF LABOR STATISTICS.

NO. 268. WASHINGTON. AUGUST, 1920.

HISTORICAL SURVEY OF INTERNATIONAL ACTION AFFECTING LABOR.

CHAPTER I.—INTRODUCTION AND SUMMARY.

NATURE OF THE INTERNATIONAL LABOR MOVEMENT.

There is at present no international law of labor, nor, in fact, has there ever been, because no code of economic principles or of legal enactments for the protection of labor has ever been so generally accepted as to attain to the authority of international law. That status will be acquired when, by the common consent of civilized nations, a specific body of protective labor measures shall be recognized as of universal obligation. Nevertheless, at the present time, a system of international labor law may be said to be in the process of making; for there exists a body of labor legislation, the result of treaties and other international agreements, which bids fair to fulfill at some time the conditions of international obligation.

To say that there is no international law of labor is not to say that there has been no international law which has directly affected labor or incidentally protected labor. Treaties have not infrequently specified, or identified with international law, rules in respect to the treatment of aliens, sailors, or agents directly concerned with some phase of international intercourse. Maritime codes, regulations governing diplomatic agencies, war codes—all have rules which affect labor or employees in some capacity or other.

But the movement to which reference is made and the laws enacted in pursuance of it are those in which international protection of labor is the principal motive and aim, and the measures enacted are the result of organized propaganda to this end.

The workers first considered and thus far most directly benefited have been employees in the manufacturing, mining, and quarrying industries, although treaties on social insurance cover workers in other lines of industry, particularly transportation.

The movement is, however, constantly spreading, and it identifies itself with any specific international undertaking that may prove a factor in the realization of its aims, as immigration treaties, medical congresses, organizations of social workers, socialist parties, and others.

The movement for international labor reform has profited much from motives other than the desire for the protection of labor, and there are even some who regard this as the least important consideration connected with the movement. They maintain that the benefiting of the whole nation rather than of the labor element alone is the essential motive lying underneath and behind protective enactments; that the purpose of each country is to conserve those of its own industrial resources which are necessary to effective competition in world markets and the maintenance of its relative position and industrial prestige.

Some believe that they have discovered in labor legislation a means of eliminating those grievances which precipitate strikes and industrial crises within a nation. The more common trend of argument is as follows: A nation needs industry; industry needs labor; labor must be protected or industry will fail. International competition, however, becoming daily sharper, forces each nation to grind the working class down under a load of exhausting toil and excessive hours; to exploit men, women, and children as instruments of cheap and abundant production without regard to their rights as human beings. The inevitable consequence of this process is either the destruction or the serious impairment of the efficiency of the labor force, by which, in either case, the very foundations of national industry itself are undermined. On the other hand, if a nation places restrictions on industry to protect labor, and other nations do not do likewise, the humane nation is easily outclassed by unscrupulous competitors and falls behind in the industrial race. Briefly stated, the dilemma resolves itself into two alternatives: (1) Fail to protect labor and ultimately ruin industry; (2) protect labor and lose industrial prestige. In any event, the second should be recognized as the lesser of the two evils, but when the day of reckoning can be postponed to the next generation and the profits reaped in this, the temptation is to choose the first alternative. A careful consideration of the difficulty indicates that the only escape compatible with the maintenance of industrial prestige in international markets and the salvation of national industry is to be found in international labor agreements whose impartial application to the competitors of every country will tend to preserve the relative industrial standing of each in spite of any diminution of output such protection may involve.

The conditions giving rise to the need for international labor protection were economic and grew out of the changes effected by the

industrial revolution which began about 1750 in England. The domestic system of manufacture prevailed. The spinning of yarn and thread, the weaving of cloth, the shaping of earthen and metal ware, were all processes carried on in the homes of the townsmen and inhabitants of the rural districts. In some instances these products were sold to the agents of some shipping merchant; in others, the producer went out to seek his own market. The machinery used was very crude. The craftsman was his own master with regard to rules of production and the ordering of his hours of labor. Master craftsmen, journeymen, and apprentices belonged to the same social class, and every worker had the prospect of becoming a master in his own trade some day. Between 1750 and 1800 there occurred the most remarkable period of invention known to history. Kay produced the shuttle drop box (1760); Watt, the improved steam engine (1761–1769); Hargreaves, the spinning jenny (1767); Arkwright, the roller spinner (1769); Crompton, the mule spinner (1779); Cartwright, the power loom (1784); Whitney, the cotton gin (1793); Roebuck, new smelting processes; Lavoisier, important chemical discoveries, etc.; and these inventions, resulting in the introduction of a large amount of machinery, revolutionized the whole field of industry.

Viewed in historical perspective, so sudden and unexpected was this transition, so extensive and irresistible the change, that thousands of the laboring masses, unable to adjust themselves to the new régime or to compete with factories in making goods, were crushed under a system of machinery and capital. Although certain of the characteristics of war were lacking, this transition has nevertheless been termed a revolution—an industrial revolution—as momentous in its consequences as any of the great revolutions of history and carrying with it much destruction and misery.

Under the domestic system it had been customary for the family to own a small plot of ground or to use the common pastures and open fields, from which were obtained directly part of its means of subsistence. But contemporaneously with the industrial revolution there occurred a widespread agricultural inclosing movement. The homesteads and publicly used lands were consolidated by the gentry and landowning classes into large estates and farms worked on a capitalistic basis. Wretched as had been the condition of the handicraftsman in the domestic stage, it was far surpassed by the misery of the new order. Deprived of the ownership and free use of land, face to face with the relentless competition of a new industrial era, the workers of the domestic system came to realize that they could not hold their own against the factory régime; neither could the laborer any longer look forward to the time when he could be a master in his craft. It was necessary to have capital to purchase machinery and other equipment with which to set up independently in business.

That capital the laborer in general could not hope to command. An impassable gulf existed between the employer and the employed.

Unprotected by legal enactments and at the mercy of employers who were themselves victims of unrestrained competition, oppressed by unjust treatment and unjust laws and by the intense selfishness of the controlling classes in the shops and in the factories, employees gradually developed the doctrines of collective resistance and collective bargaining. Class consciousness took definite shape. Trade-unionism was evolved. Outlawed by governments and oppressed by courts, spasmodic, secret, timid organizations nevertheless continued to increase. Between 1800 and the present time there has been written into the legislative records of the great industrial nations the history of the struggle to render the large-scale system of production compatible with the welfare of the wage earner. Numerous laws have been enacted covering child labor, factory inspection, social insurance, the work of women, the limitation of the workday, occupational diseases, and the like.

Different countries reflect all the different stages of the development of labor regulation, since national and local labor legislation of some kind has become a common factor in the economic life of every civilized community. More or less distinct types of labor laws have had initial development among different national groups. In Great Britain, France, and the United States protective labor law tended at first to favor unskilled women and children, but in more recent years the more highly skilled craftsmen have bettered their conditions of employment by collective bargaining and by the exercise of pressure on legislative bodies. Another group of countries has been primarily concerned with the general insurance of labor against the risks of industrial life, i. e., accidents, sickness, and disabilities of age. This class of States is represented by Germany, Austria, Hungary, and the Scandinavian powers. Still another group has had marked tendencies toward a high degree of social control in the administration of labor regulations, as is the case with Australia and New Zealand. These two countries at first followed closely the British factory laws, but they afterwards developed their own systems of wage boards and arbitration which modified the older factory acts greatly, and have recently influenced similar legislation in Great Britain. While all these earlier laws were widely divergent, the newer laws have continued to converge more and more in their adoption of certain fundamental principles. Economists are now fully aware that in a world of international markets and international industrial competition there are conditions of production affecting labor which can be most effectively controlled by international agreement.

PHASES OF THE MOVEMENT.

International action affecting labor has taken shape in (1) international socialist organization; (2) formation of international trade-union bodies; (3) establishment of semipublic and private associations of students and workers interested in social and political reforms; (4) official conferences and treaties. The movement has therefore its political and economic, as well as its scientific and official, aspects. The international socialist organization forms the political side of the international labor movement, the international trade-unions its more purely economic phase, while the International Association for Labor Legislation and kindred organizations represent its nonpartisan and scientific side. The nonofficial bodies form the background of the official phases of the movement, they develop the motives for the action taken, and have furnished the publicity which has spread the movement; they supply, in a word, the political and economic sanction for the international labor movement. The efforts of these organizations may culminate in the holding of official conferences and may lead to the acceptance of treaties embodying the final judgment of governments upon the validity and practicability of the demands of the interested parties.

BACKGROUND OF THE MOVEMENT.

International political labor movement.—The Socialist International is the present organized expression of the international political labor movement. It dates formally from 1864, when Karl Marx and a group of radicals organized the International Workingmen's Association in London. The association continued active for less than 10 years, but was revived in 1889. Its latest international congress before the war was held at Copenhagen in 1910.

The International Socialist Bureau, with headquarters at Brussels, was established in 1900, and is the permanent organization of the national delegates. The executive committee is composed of Belgian socialists.

Both industrial and political reforms are on the program of the International. The resolutions of the 1910 congress are typical of the demands of the international socialist movement. These are: (1) A maximum workday of 8 hours; (2) prohibition of employment of children under 14 years; (3) prohibition of night work except when necessary; (4) uninterrupted rest of 36 hours once a week as a minimum for all workers; (5) unrestricted right of free combination and association; (6) inspection of working conditions by authorized agencies upon which labor is represented. In the political field the congress demanded ultimate complete disarmament and the abolition of secret diplomacy.

International trade-unionism.—Two aspects of the international trade-union movement should be distinguished. There is first the international organization of separate crafts and the coming together of such organizations into international trades secretariats; and second, there is the organization through an international body of the trade-union federations, made up of various trade or crafts of the various nations, whose central office is termed the International Secretariat.

Before the war 32 trades were organized internationally, the largest and most important being the metal workers and the miners, each of which had over a million members. In 1913 the international secretaries of these various international craft organizations met at Zurich, for the first time. The respective trades or crafts, it should be observed, had hitherto been holding their independent conferences. This joint meeting of the secretaries, or secretariats as the offices are termed, was another move in the direction of greater unity of purpose and action in the trade-union movement. The principal purpose in holding this conference, however, was to bring about a closer association between the International Trades Secretariat and the International Secretariat, which represented the various trades and federations.

Purely trade-union activities, as distinguished from political action, have taken up the attention of the international craft federations. All of them have favored the eight-hour day. The miners have advocated the nationalization of mines; transport workers, dock laborers, and seamen advocate the nationalization of the railroads and the means of production.

The International Secretariat mentioned above is the central executive organ of the International Federation of Trade-Unions. It was organized permanently in 1901. Before the war there were affiliated with the International Federation 29 national trade-union federations, together with 6 federations in the Commonwealth of Australia—making altogether 35 affiliated federations. In addition, the 32 craft federations already described have affiliated with it. It claimed before the war an affiliated membership of approximately 7,400,000.

Trade-union matters have been the principal concern of the federation. Its main purpose has been to unify the labor movement. It has on the whole represented the more prudent and conservative elements of the movement. Political unity can not be said to characterize it, although in most of the European countries it represents collectivist policies—that is, State capitalism or socialism.

International Association for Labor Legislation.—Besides the political and the trade-union organizations built up internationally by the workman himself, individuals outside the labor movement have

organized various international bodies which have concerned themselves in the cause of labor reform and regulation. These are bodies composed of economists and interested workers in the field of labor reform. In no instance are labor and capital represented as such. Among associations of this kind may be mentioned the International Federation for the Observance of Sunday, Permanent International Commission for the Study of Occupational Diseases, International Association on Unemployment, Permanent International Committee of Social Insurance, and the International Association for Labor Legislation. These are frequently referred to in English under different titles according as they are translations of the French or German designations. The forms here used are those shown in the authoritative publications of the associations themselves.

The mention of the names of these associations carries with it a sufficient statement of their objects. The most important of these bodies is the International Association for Labor Legislation. This was formed in Paris in 1900 by a group of economists who met at the time of the Paris Exposition of that date. In 1901 a permanent International Labor Office was organized. The office has a semiofficial character. Twenty-five countries have established national branches of the International Association, and send delegates to its conferences; 19 of these countries appropriated public funds for its support in 1913. Seven conferences have been held by the association, the latest at Zurich in 1912, in which 22 countries participated. Various meetings of special commissions have been held between sessions of the more formal conferences.

The International Association for Labor Legislation has been closely and influentially associated with the drafting and preparation of the international labor conventions and treaties described below. It has, so to speak, prepared the soil and done much of the cultivation necessary for the gathering of the fruit of international labor legislation. It has prepared studies and outlined policies in such matters as the prohibition of night work of women and children and of the use of the dangerous white or yellow phosphorus in match manufacturing; administration of labor laws; protection of workmen from accident and disease; weekly rest day; and hours of labor in continuous industries.

The most recent action of the association, taken through the International Labor Office, and without the approval of its members, was the submission in June, 1918, of a memorandum requesting the incorporation of a program of international labor legislation in the final peace treaty which will formally terminate the World War. The proposal is that the International Labor Office shall be made the official agency for the enforcement of the international labor standards which it is hoped will become a part of the future constitution of the

proposed Society of Nations.[1] Among the standards urged for international acceptance were the following:

(1) Minimum age of employment to be 14 years, with right to advance it, as, for instance, in mines, to age 16.

(2) Ten-hour workday for women; a short Saturday; eight weeks' leave for women at time of confinement.

(3) Eight-hour shifts in mining and in establishments operating continuously.

(4) Provision of Sunday rest.

(5) Prohibition of use of poisonous substance where substitutes exist.

(6) Measures for safety of employees on railroads.

(7) Protection of seamen, on model of American seaman's law.

(8) Protection for legal claims of workers under different social-insurance laws.

(9) International regulation of the labor contract to prevent disputes, involving (*a*) guaranty of recognition of right of free association and combination; (*b*) legal sanction to collective agreements; (*c*) minimum wage regulation.

(10) Protection of immigrant labor, and limitation upon duration of contract for colonial contract labor, i. e., six months for mining labor and three years for labor in agriculture and other industries.

(11) Uniform official reports concerning the enforcement of labor laws.

OFFICIAL INTERNATIONAL ACTION.

Official international action limiting the hours of labor was proposed by Robert Owen as early as 1818. In 1840 Legrand, an Alsatian manufacturer, addressed memorials to the European Governments embodying the idea of international cooperation for the control of industrial conditions. In 1871 an attempt was made by Germany and Austria to fix by agreements certain standards in labor legislation. In 1876 Switzerland suggested the aid of European diplomacy, but action in the matter by Switzerland was deferred until 1881. In that year the Swiss National Council adopted a resolution, previously considered in 1880, calling upon the Federal Council to take up the matter with certain foreign Governments. The subject was very considerably agitated in France, particularly during 1890. As a result of these sporadic efforts came the calling of the Berlin Conference of 1890. Switzerland had in 1889 planned to call the conference at Bern, but this action was suddenly anticipated by Berlin, the German Government having become greatly concerned over threatened labor disturbances, particularly the strike in the Ruhr district.

Berlin Conference, March, 1890.[1]—The Berlin Conference summoned by the German Emperor to meet at Berlin, March 15 to 29,

[1] For the demands in detail and a critical analysis of their significance, see Monthly Labor Review of the Bureau of Labor Statistics, November, 1918, pp. 55–62.

[2] France. Ministère des Affaires Étrangères Conference Internationale de Berlin, 15–29 March, 1890. Paris. Impr. Nationale, 1890, 128 pp.

Great Britain. Foreign Office. Correspondence respecting the proposed labor conference at Berlin, London, 1890, 5 pp. (Com. No. 8, 1890). Further correspondence respecting the International Labor Conference at Berlin. London, 1890, 194 pp. (Com. No. 16, 1890).

1890, was the first of four official conferences, the most recent of which was held in Bern in 1913. Fourteen countries were officially represented at the Berlin Conference, namely Austria, Hungary, Belgium, France, Germany, Great Britain, Italy, Luxemburg, Netherlands, Portugal, Switzerland, and the three Scandinavian countries. The subjects for discussion embraced (1) the employment of women and children; (2) Sunday work; (3) mining; (4) methods of enforcing the resolutions adopted. The conference was purely advisory, having authority merely to recommend terms for adoption by treaties.

No practical results emanated from it. The spirit of international cooperation held out as possible was, however, an earnest of the future. Indirectly it resulted in the formation in 1900 of the International Association for Labor Legislation, and was the forerunner of various unofficial labor congresses and conferences which intervened between that date and the holding of the next strictly official gathering.

Bern Conference of May, 1905.—Fifteen nations sent official representatives to this conference. They gathered as the result of a request from the International Association for Labor Legislation to the Swiss Federal Council to consider two resolutions prepared by the International Association. Like the earlier Berlin Conference of 1890, this, too, was a purely advisory or technical conference. Three methods of procedure were open to the gathering: (1) To conclude definite treaties or conventions to be later ratified by the respective Governments; (2) to draft tentative agreements, reserving the authority to the Governments to transform these into conventions; or (3) to pass resolutions embodying suggestions for the terms of future agreements. The second course was pursued and agreements were drafted for the prohibition of the importation into the respective countries of white or yellow phosphorus for the manufacture of matches, and defining the limits of the night rest of women in industry.

It was now necessary to secure the ratification of the tentative agreements by the countries interested. The Swiss Federal Council, on June 26, 1905, proposed to the nations the calling of a conference to proceed with this necessary ratification. About a year later it was announced (June 14, 1906) by the Swiss Federal Council that favorable replies had been received from Austria, Hungary, Belgium, Denmark, France, Germany, Italy, Luxemburg, Netherlands, and Switzerland.

Bern Conference of September, 1906.—The Bern Conference of September, 1906, was a formal conference called for the purpose of agreeing to the final terms of the treaties tentatively drafted by the Bern Conference of the preceding year. Fourteen States were represented. Two conventions were signed, final ratification being reserved

to the Governments interested. All of the 14 States represented signed the convention for the prohibition of night work by women. These States were Austria, Hungary, Belgium, Denmark, France, Great Britain, Germany, Italy, Luxemburg, Netherlands, Portugal, Spain, Sweden, and Switzerland. It is noted that Norway is not included, although it signed the draft agreements at the conference a year earlier, while Great Britain and Sweden appear as signatories, although not having agreed to the earlier draft conventions.

Only seven countries signed the agreement for the prohibition of the use of white or yellow phosphorus in the manufacture of matches. These were Denmark, France, Germany, Italy, Luxemburg, Netherlands, and Switzerland. Five States which had signed the draft convention of 1905 did not sign this final agreement, namely, Austria, Hungary, Belgium, Portugal, and Spain. Denmark, a signer in 1906, had not signed the draft convention of 1905. Norway, Sweden, and Great Britain did not sign on either occasion. A number of the countries, however, which failed to sign the agreement have since passed laws prohibiting the use of matches made from white phosphorus. The United States has complied with the terms of the convention by passing the act of April 8, 1912, putting a prohibitive tax on the manufacture, sale, and export of matches made from white phosphorus. This method was adopted because of the constitutional bar to legislation which directly aims to destroy any industry.[1]

Bern Conference, September, 1913.—Again in 1913 the Swiss Government took the initiative in urging international labor legislation by submitting to the Governments which had participated in the 1905 and 1906 conferences a program drafted by the International Association for Labor Legislation, which proposed the adoption of conventions prohibiting entirely night work by young persons and limiting to 10 hours a day the hours of work for women and young persons.[2] Delegates from Germany, Austria, Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Norway, the Netherlands, Portugal, Russia, Sweden, and Switzerland assembled at Bern September 15, 1913. The same procedure was followed as at the Bern Conference of 1905, the delegates merely drawing up tentative agreements to be formulated into final treaty form at a later diplomatic conference similar to the one held at Bern in 1906, after which the treaties would be ratified formally by the respective Governments. Such a diplomatic conference was called by the Swiss Government for September

[1] For a discussion of the constitutionality of labor treaties see article by Thomas I. Parkinson, in American Labor Legislation Review, New York, March, 1919.

[2] Translations of the memoranda by the association on the subject appear in Bulletin 117 of the Bureau of Labor Statistics, "The prohibition of the night work of young persons," Washington, 1913, 74 pp.; and Bulletin 118 of the Bureau of Labor Statistics, "Ten-hour maximum working day for women and young persons," Washington, 1913, 71 pp.

3, 1914. The war intervening, it was not held, so that no formal treaties have resulted from the Bern Conference of 1913.

INTERNATIONAL LABOR LEGISLATION.

Various labor treaties have been entered into between different countries. Altogether 30-odd bipartite agreements and two polypartite treaties have been signed, the latter as a result of the Bern Conference of 1906.

The treaties or agreements entered into by the various nations fall into three groups or classes: (1) Those affecting the movement of labor, i. e., emigration and immigration conventions; (2) those respecting equality or reciprocity of treatment of native and alien labor; and (3) those providing for uniform labor standards in the signatory countries.

Movement of labor.—There are only a few treaties on this subject, as it is one usually reserved to national action, and not considered within the scope of international control. The following countries before the war had agreements respecting the migration or recruitment of alien labor:

United Kingdom and France, October 20, 1906.
Transvaal and Portuguese Mozambique, April 1, 1909.
United States and Japan, April 5, 1911.
Spain and Republic of Liberia, May 22/June 12, 1914.

Equal treatment of alien and native workmen.—The treaties which aim to accord to alien workmen the advantages of the labor legislation of the country to which they migrate are at present 27 in number, 4 being savings bank agreements, 4 social insurance conventions, and 19, counting separately 3 agreements supplementary to earlier ones, covering accident insurance or workmen's compensation. Thus this group of treaties includes the larger part of all international agreements.

The savings bank agreements, which frequently are parts of the social insurance treaties, permit nationals of one country to transfer without charge deposits from the savings banks of the other country. A specific savings banks agreement is that of January 20, 1906, between France and Italy. Treaties dealing with social and accident insurance provisions make applicable to resident alien workmen the terms of the laws of the country of their employment or grant to nonresident dependents of alien workmen the benefits of the law of the country of employment.

Social insurance agreements and accident insurance or compensation agreements have been entered into between the following States:

France and Italy, April 15, 1904.
Switzerland and Italy, July 13, 1904.
Germany and Italy, December 3, 1904.

Germany and Austria-Hungary, January 19, 1905.
Luxemburg and Belgium, April 15, 1905.
Germany and Luxemburg, September 2, 1905.
France and Belgium, February 21, 1906, and March 12, 1910.
Luxemburg and Belgium, May 22, 1906.
France and Italy, June 9, 1906, and June 30, 1907.
France and Luxemburg, June 27, 1906.
Germany and Netherlands, August 27, 1907, and May 30, 1914.
France and United Kingdom, July 3, 1909. (Aarrangement to supplement this, November 22, 1910.)
Hungary and Italy, September 19, 1909.
France and Italy, August 9, 1910.
Germany and Sweden, May 2, 1911.
Germany and Belgium, July 6, 1912.
Germany and Italy, July 31, 1912.
Germany and Spain, November 30, 1912/February 12, 1913.
Italy and United States, February 25, 1913.
France and Switzerland, October 13, 1913.

Besides the savings bank and the insurance conventions, there are two special treaties, one entered into between France and Italy and one between France and Denmark. These belong in the class of treaties granting equality of treatment of native and alien workmen in various countries. The former, ratified June 10, 1910, provides reciprocal protection of children under the labor and educational laws of the respective countries; the latter, ratified August 9, 1911, subjects to arbitration every issue raised between the countries concerning their respective labor laws. The commercial treaties of certain European countries, as, for instance, that between England and Japan of April 10, 1913, also contain stipulations concerning reciprocity in the application of all labor laws to alien and native workmen alike.

Uniform labor standards.—Those treaties which affect labor standards in the adhering countries involve a higher degree of adjustment between the nations concerned than those described above as being in the nature of comity agreements and involving no changes in domestic standards of labor legislation. Treaties of the former class are also more difficult of adoption; in fact, only two such agreements are in force, namely, those relating to the prohibition of the night work of women and to the use of white or yellow phosphorus in matches. Both of these as previously noted were signed at Bern, September 26, 1906.

The night-work agreement provided that night work in industrial employment should be prohibited for all women without distinction of age, with certain exceptions. Eleven hours shall constitute the necessary period of night rest, and within the 11 hours the period from 10 p. m to 5 a. m. shall be included. The agreement applies only to establishments having 10 or more employees.

Complete suspension of the prohibition is allowed in the case of accidents beyond human control or by act of providence and where loss of perishable raw materials is involved. The rest period may be limited to 10 hours in seasonal industries and in those countries where by law no regulations exist at present as to night work by women. In countries outside of Europe and in colonies and protectorates, when climatic conditions require it, the uninterrupted night rest may be shorter than the established minimum, but a compensatory rest during the day must be accorded.

The provisions of the treaty prohibiting the use of phosphorus in matches are simple: "The high contracting parties bind themselves to prohibit in their respective territories the manufacture, importation, and sale of matches which contain white (yellow) phosphorus." As the seven countries which signed the convention bound themselves not to import white phosphorus matches, the result has been that those countries which continued to manufacture them for export have been left practically without a market. This pressure consequently has brought other manufacturing countries to adhere to the convention, so that, except perhaps in two countries, white phosphorus poisoning of workers is a thing of the past.

ENFORCEMENT OF LABOR TREATIES.

The enforcement of labor treaties is left to the authorities in the countries affected, consular officers very frequently serving as intermediaries. The French and Italian treaty of 1904 concerning savings banks provided for an exchange of annual reports on the enforcement of its terms. The Franco-Italian treaty of 1910 concerning reciprocity in the treatment of children in industry required that the two countries issue simultaneously their rules and regulations provided for the enforcement of the treaty. The German-Netherlands treaty of 1907 prescribed details relating to the securing of depositions and summoning witnesses. The Franco-British treaty of 1909 and the supplementary arrangement of 1910 provide for the assistance of the British county court and the local French mayor in conjunction with the consuls of the respective countries in determining the facts as to insurance claims in each country. Yearly reports of such judicial proceedings are to be exchanged.

Two treaties of 1912, those between Germany and Belgium and Germany and Italy, concerned the carrying out of the social insurance agreements and applied the same rules and regulations as apply in civil and commercial matters. The latter treaty also defines in greater detail than hitherto the duties of consuls, as, for instance, requiring them to serve legal papers upon their absent nationals.

Arbitration in the settlement of disputes arising out of the enforcement of international labor treaties has been provided for in the

treaty of 1909 between Hungary and Italy concerning accident insurance. The court of arbitration created by the treaty consists of five persons, two chosen from each State and one, who serves as president, is chosen by these four from a third friendly State. The arbitrators can use the judicial processes of either country to assist in ascertaining the facts as to the matters in controversy.

The most advanced action providing for the enforcement of labor treaties has been proposed by Switzerland and Great Britain. In 1906 Great Britain outlined plans for a permanent commission in connection with the application of the two polypartite treaties of Bern—the prohibition of night work by women, and of the use of white phosphorus in matches. The function of the commission was to make investigation as to the observance of the terms of the treaty in the signatory countries. The commission would then report its findings and recommendations to future conferences for consideration or even for arbitration. Switzerland favored the proposal. It was proposed as an alternative by France and Switzerland that the commission be a consultative rather than an advisory body, but even this was objected to by some countries as an infringement upon their sovereignty. A modified resolution was finally signed by 10 States.

CHAPTER II.—HISTORICAL SEQUENCE OF THE MOVEMENT TO 1890.

ORIGIN OF THE INTERNATIONAL LABOR MOVEMENT.[1]

In 1818, when the statesmen of Europe were assembled in congress at Aix-la-Chapelle a petition, unique in its declaration that a prime task for the Governments of Europe was the international fixation of the legal limits of the day of work, was addressed to the congress by Robert Owen, the noted philanthropist and social worker. Little attention was paid to his proposal, however, and after a lapse of several decades, Mr. Owen drew up a declaration [2] in which, among other things, he said: "* * * if you will now agree among yourselves to call a congress of the leading Governments of the world, inviting those of China, Japan, Burma, etc., and to meet in London in May next, I will, should I live in my present health to that period, unfold to you at that congress the natural means by which you may now, with ease and pleasure, gradually create those surroundings in peace and harmony which shall have a perpetual good and superior influence upon all of our race." This proposal was not adopted.

Apart from Mr. Owen's efforts, the idea of international cooperation for the control of industrial conditions was not seconded in any signal manner [3] until a Frenchman, Daniel Legrand by name, a manufacturer of Steinthal, Alsace, also undertook the task of impressing upon men of affairs the urgent need of such cooperation for industrial welfare. Imbued with the idea that in European industry there were conditions which were not susceptible of proper regulation by the individual action of nations, but which would readily lend themselves

[1] L. Chatelain: La protection internationale ouvrière, Paris, 1908, Chapters II and III, of which this chapter is practically a summary; E. Mahaim: Le droit international ouvrier, Paris, 1913, p. 183 et seq.

[2] This statement was called "A letter addressed to the potentates of the earth in whom the happiness and misery of the human race are now invested, but especially to Austria, France, Great Britain, Prussia, Russia, Scandinavia, Turkey, and the United States of North America, because their powers are now at peace with each other and could without war easily induce all the other Governments and people to unite with them in practical measures for the general good of all through futurity." (Supplementary appendix to Vol. I of the Life of Robert Owen, pp. x–xii, 209–222.)

[3] Archives diplomatiques, 1890 (2 Serie), vol. 36, pp. 36–40.

The idea of international cooperation for the abatement of certain factory evils was expressed by the Frenchman, Villermé, who undertook, under the auspices of the Academy of Social and Political Science, an inquiry into the conditions of the laboring classes in the textile industry, and made his report in 1839. He said, however, that such "disinterestedness" was not to be counted upon, as it was without precedent.

Blanqui in his Cours d'economie industrielle (1838, 1839) suggested international treaties to regulate conditions of competition. (See Mahaim, E.: Le Droit international ouvrier, pp. 188, 189.)

to such regulation under an accord of the powers, Mr. Legrand addressed various memorials to this effect (1840–1847) to the Governments of Europe, memorials which suffered much the same fate as those of Mr. Owen, but which were followed by a vigorous sequel in the form of a letter by their author sent not only to French authorities, but also to the cabinets of Berlin, St. Petersburg, and Turin. This letter was published four times, in the years 1853, 1855, 1856, and 1857, respectively. It boldly stated that the solution of the problem of according to the laboring classes the moral and material benefits that are desirable must be found in international labor law, without which industry suffers and the international competition of manufacturers escapes needed limitations; and moreover that the things principally to be striven for comprise elementary schools; instruction of young workers up to the time of their confirmation; Sunday schools for all ages; protection of the moral and material interests of the workers by international legislation; the Gospel received into the heart and home of the laborer and his employer; Sunday rest; encouragement of the life and industry of the family by the State and by manufacturers; the extension of the benefits of savings banks to every locality; and old-age pension funds—concurrent with the attainment of all of which it is essential that there be the firm suppression, by an international law on industrial labor of the evils suffered by the laboring people, including lack of instruction and education, child labor in factories, excessive labor, night work, Sunday work, and the absence of proper age limits.

In order to at least partially remedy these wrongs, the adoption of the following measures by international agreement was advocated: The total prohibition of the work of male children under 10 years of age and of females under 12; the limitation of their work to 6 hours in 24 until 13 years of age; the limitation of the length of the workday to 10 hours upon their attainment of the age of 14, with provision for a nooning of at least one hour; the proper certification of the age, school, and employment records of young employees; limitation of the work of adults to 12 hours in 24, none of which labor should be required prior to 5.30 a. m. or subsequent to 8.30 p. m.; the interdiction of Sunday or night work for young persons under 18 years of age and for females altogether; proper regulation of unhealthy and dangerous trades, etc. Most of the reforms advocated by Mr. Legrand have since become the object of international investigation, and some of them, e. g., the night work of women and old-age pensions, of international enactment.

The next noteworthy expression of this idea of protecting labor by measures international in scope, is found in a Swiss report addressed in 1855 to the Cantonal Council of Zurich by a commission of the

Canton of Glarus.[1] An international agreement to regulate the length of the workday, child labor, etc., was suggested by this report, which also pointed out that competition between spinners could not be satisfactorily controlled without the creation, by international understanding, * * * of greater uniformity in conditions of production; although at that time the latter reform was considered remote. A movement for intercantonal labor legislation which originated in Glarus in 1852 may account for the interest shown by this Canton in the subject of international control.[2]

Soon thereafter (1856), the subject of international labor regulation was introduced at an international congress of mutual benefit societies convened in Brussels, with the result that the idea was discussed and officially indorsed by the congress.

In the following year (1857) Germany witnessed the approval of the idea by a congress at Frankfort. The question attained further publicity in that country in 1858 as a result of the publication of Bluntschli's Dictionary of Political Science, which dealt with the matter of international agreement on labor regulation. In the same year, Bluntschli and Braber, both advocates of doctrines of the socialist professors, broached the question of Sunday rest and came to the conclusion that practical results could be obtained only by an international agreement on the subject. Other German professors contributing to the movement were Adolph Wagner and Lujo Brentano, the former proposing in his work, Rede über die Sociale Frage, the protection of labor's class interests by international agreements in such manner as would not be injurious to national industry, while the latter outlined the program of the Christian Socialist Labor Party, championing the prohibition of Sunday labor, the suppression of the factory work of minors and married women, the placing of certain limitations upon the work to be required of a worker in a day, protection for national labor, and urged the starting of a movement to promote international labor legislation.

INTERNATIONAL WORKINGMEN'S ASSOCIATION.

In 1866, the International Workingmen's Association, known as the International, founded two years previous in London at a meeting of trade-unionists representing different countries, met at Geneva and formulated a series of resolutions to be thereafter included among the demands of labor. These resolutions embraced a maximum workday of two hours for children between 9 and 13 years of age, of four hours for those between 13 and 15, and of six hours for those between 16 and 17; the prohibition of the night work of women and of all

[1] Archives diplomatiques, 1890 (2 Serie), vol. 36, pp. 40, 41.
[2] Idem, vol. 36, p. 47.

labor injurious to their health; a maximum workday of eight hours for all laborers and the prohibition of night work, exclusive of necessary exceptions for certain industries. The association also proceeded by manifesto to proclaim its conviction of the need for international labor regulation; this it continued to do in subsequent meetings, in which the idea of international cooperation was approved.

ACTS OF ORGANIZATIONS AND PRIVATE INDIVIDUALS.

The various trades which have held international congresses, have held them not so much to further the enactment of international laws for the protection of labor as to put forward measures pertaining directly to occupational interests or to political party propaganda. For example, since 1890, the miners have held regular international congresses, a number of which have been under the domination of radical socialists.

In 1868, the year after the Lausanne meeting, a French economist, Louis Wolowski, recognizing in foreign competition a condition compelling the industrial exploitation of children, young people, and women, advocated unanimity of action by the nations to remedy the unfortunate situation, similar to the measures internationally adopted for the suppression of the slave trade, and in 1873 submitted his idea of international regulation to the French National Assembly. In the following year Mr. J. B. Dumas likewise submitted a petition to the same assembly, embodying a similar appeal.

Three years previous (1871) Chancellor Bismarck and the Austrian Government had failed to reach an agreement by negotiation with reference to certain standards of labor legislation.[1] Although an incident of this character might seem to a novice like the first moves of pawns in a game of chess, of little serious import, it was nevertheless a portent of greater things to come.

The same truth was illustrated by events in Switzerland. Twenty-one years after the seemingly fruitless manifesto from the Swiss Canton of Glarus, Col. Frey of the Canton of Bale-Campagne, a Swiss statesman, known in America as a volunteer in the Civil War, afterwards as Swiss minister in Washington, and finally as President of the Swiss Republic,[2] delivered (in 1876) before the Swiss Parliament, an address,[3] in which he raised the question as to whether it was advisable for Switzerland to pursue the subject of the conclusion of treaties uniformly regulating conditions of labor among the several industrial States, presupposing of necessity sufficient elasticity in such regulations to allow for dissimilar conditions of production among the different countries. He assumed in common with most of the early

[1] Bulletin des Internationalen Arbeitsamtes, Vol. III, p. 9.
[2] Gifford, Geo.: U. S. Consular Reports, July, 1901.
[3] Archives Diplomatiques, 1890, vol. 36, p. 41.

protagonists of the movement that suppression of industrial competition by international regulation constituted the best method of alleviating the hard lot of labor. Subsequent events proved that this agitation of the question was destined to produce fruitful results.

The subject was next considered by French socialists assembled in congress at Lyon, France, where a resolution supporting the cause of international labor legislation was adopted in 1877; this was followed in 1878 by a pronouncement in Germany on the part of Baron von Lohman favorable to international regulation to protect their industry and nationals; in 1879 the Association of Christian Manufacturers of the French district of which Lille is the capital, declared that Governments could and ought to regulate the relations of labor by means of international negotiations; the same body met in Paris and repassed the resolution two years later. In 1880 delegates of the Social Democratic Association in Switzerland announced themselves in favor of international intervention for the protection of labor. About this time there appeared two diametrically opposite views on the subject from representative German authorities, Gustav Cohn, professor at the University of Göttingen, and Lorenz von Stein, another advocate of the doctrines of the socialist professors, not all of whom, however, favored international control of labor. Lorenz von Stein defended the idea, while Gustav Cohn maintained the downright inapplicability of any such regulation by reason of the defects evident in existing labor law, the great diversity in industrial and economic conditions, and finally, the hostility of wageworkers themselves to a system which would restrict their right to work when and how they pleased.

ACTION BY SWISS AND OTHER GOVERNMENTS.

In December of the year 1880 a motion was made by Col. Frey before the Swiss National Council that the Federal Council be invited to enter into negotiations with the principal industrial States for the purpose of bringing about international factory legislation. The next year (1881) this proposal[1] received serious consideration by the National Council without arousing any opposition; it was acquiesced in hesitatingly, however, and demand was made that the Federal Council be left free to choose the opportune moment for taking action in the matter. The opinion was expressed that satisfactory negotiations could take place only with such States as possessed factory legislation similar to that of Switzerland, e. g., England and France, whereas with a country such as Austria, which possessed little or no similar legislation but whose industrial relation to Switzerland was of great importance, such negotiations must of necessity meet with grave

[1] Idem, vol. 36, p. 41 et seq. (This citation deals with both the proposal and the replies.)

difficulty and delay. The motion, so worded as to leave the time for action wholly to the discretion of the Federal Council, was adopted. In deference to this invitation, the Federal Council soon afterwards addressed to the Swiss Legations at Paris, Berlin, Vienna, Rome, and the Swiss consulates general at London and Brussels a note calling upon them to procure from reliable sources such confidential information as would make it possible to know what States of Europe could be depended upon to cooperate in the matter of international regulation of labor in factories, and also to obtain the information necessary in order to determine the official proceedings best adapted to this end.

To the inquiries subsequently submitted to the various powers Belgium alone did not respond.

The reply from France indicated that in general the Government deemed it outside the province of the State to interfere with contracts between employers and employees or to curtail the liberty of labor, and that since such intervention was considered unwarranted nationally, the Government was consequently inclined to adopt an attitude unfavorable to the international treatment of the matter.

The Imperial Government at Berlin was likewise unprepared to cooperate, as it did not approve the regulation of the matter through treaties.

The Italian Minister for Foreign Affairs desired to know which aspects of such a complex question were to be subjected to the procedure proposed; whether the work of women and children, sanitary conditions in workshops, strikes, large or small scale industry, or all these phases of the problem combined were included.

The Austro-Hungarian Government exhibited great reserve with reference to the matter. It stipulated that its participation would be made conditional upon the preliminary receipt and examination of a copy of the measures proposed, upon assent to the same, and upon the certainty of the participation of the other important industrial States; and furthermore upon condition that it might authorize its representatives merely to take cognizance of the points recommended by the delegates, reserving to the Imperial Royal Government itself the ultimate decision.

The English Secretary of State for the Home Department was opposed, deeming it impracticable to conclude an international convention on the subject of factory regulation.

Thus the first official attempt on the part of a Government resulted in failure to attain any practical result, international in scope, for the protection of labor. Discouraged for a time, Switzerland later returned, with more fortunate results, to this self-imposed task. It is fitting to remark here that to Switzerland more than to any other State belongs the credit and honor of being the pioneer in blazing a trail for the international regulation and protection of labor.

In 1882 a meeting of the organization known as "Verein für Sozialpolitik" was held at Frankfort on the Main. The men delegated to draw up a report on the question of international factory legislation were Gustav Cohn, whose views on the subject have already been stated, and Dr. Franck, manufacturer of Charlottenburg, who, on the other hand, preferred, like Lorenz von Stein, to add the weight of his opinion in favor of the movement. He did not, however, believe in unduly limiting the work of women and children, who ought to be permitted to add their contributions to the family earnings to forestall suffering in the day of industrial crisis. In the same year, the German Catholic Party, recognizing in the insufficiency of State intervention in industrial relations an argument for joint effort on the part of governments, recommended an international conference on the problem.

Not long thereafter (1883) an assembly composed of French, English, Spanish, and Italian representatives of labor met in Paris and adopted a motion, introduced by delegates from English trade-unions, recommending international legislation. It was asserted that in certain countries the organization of labor was rendered impossible by unjust enactments, and hence it became the duty of all to uphold the cause, to strive for the ameliorations desired, and to oppose laws obstructing national or international legislation for the protection of those too feeble to defend themselves against the abuses of the competitive system. In Switzerland, also, there occurred during the course of the year a meeting of labor associations which urged the Swiss Government to continue its efforts for international law regulatory of factory conditions, and created a commission charged with the prosecution of the movement among the working populations of France and Germany.

On the 25th of January, 1884, the idea of international agreement in the administration of labor law obtained its first expression before the French National Assembly, through Count Albert de Mun, whose address was followed by an invitation to the Government to make provision for international legislation not harmful to national industry and yet preserving for each State the means of protecting women and children against industrial evils. At Roubaix, in the same year, an international labor congress drafted resolutions relating, among other things, to international legislation for the prohibition of work of children under 14 years of age, and of night work; also, for the safeguarding of the health of workmen; and for an international minimum wage and a workday of eight hours.

Discussion of the question was continued in 1885 by Mr. Vaillant before the municipal council of Paris. He contended that the means of combating an international evil ought to be international; that the utility of general laws, already recognized to some degree by

treaties of commerce, should be recognized in labor regulation; that each country can supplement international regulation by particular laws adapted to the various phases of moral, material, and industrial development peculiar to itself; that the essential elements of international law demanded by representatives of the proletariat of all nations have for a long time been recognized; and that as no country can object to international legislation involving no injury to its relative economic power, so no employers' selfishness can set itself in opposition, since in this question the interests of the laboring class and of the capitalistic class coincide, mutual advantage resulting from the decrease of industrial crises and the enhanced stability of commerce. The Paris municipal council, therefore, passed a resolution asking the French Government to set in motion, as soon as possible, machinery to establish international labor regulation. In recognizing that under an international agreement conditions best regulated locally should remain undisturbed, Vaillant makes a point the failure to appreciate which has caused many opponents of the movement, for example, Mr. Leroy-Beaulieu,[1] to err seriously in their reasoning. It is of course primarily those phases of industry involved in international competition that are to be subjected to international control.

In December, 1885, a representative group of Frenchmen placed before the committee of the Chamber of Deputies a bill indicating willingness on the part of the French Government to accept the overtures of the Swiss Government concerning international labor legislation and readiness to assume the initiative, in concert with Switzerland, in endeavoring to bring about international law that would have for its aim the abolition of child labor under the age of 14, the limitation of the work of women and minors, the institution of measures of hygiene and safety, accident insurance, inspection, a normal workday, weekly rest, and an international bureau of labor statistics.

While these matters were occupying attention in France, Bismarck declared that a proposal in favor of protecting labor internationally, made in the Reichstag in January, 1885, was impracticable. Members of the Social Democratic Party retaliated in the succeeding year. Through the medium of a portion of this party, a plan was set on foot to have the Reichstag adopt a resolution asking that the Chancellor of the Empire convoke a conference of principal industrial States for the purpose of formulating the basis of an international protective labor agreement. The legal establishment of a 10-hour workday and the suppression of night work and of the work of children under 14 were the particular measures recommended. The resolution precipitated a heated discussion which served as a

[1] See L. Chatelain, La Protection internationale ouvrière, pp. 153–158.

publicity campaign, and, in conjunction with a notable publication of that period, resulted in a reaction in public opinion in favor of the movement.

That publication was the work of Dr. Georg Adler, fellow of the University of Freiburg, and was entitled "Die Frage des Internationalen Arbeiterschutzes." The evils cited by this advocate of international regulation included female and child labor in factories; undue length of the workday; excessive assessments upon the wages of unskilled laborers; unemployment, incompetence, and disability due to disease or to accidents for which employers can not be legally held responsible; premature and necessitous old age; and the sordid and unhealthful homes of workmen. In general, Dr. Adler favored a method of so prohibiting the work of children under 13 as to insure to them a proper degree of schooling or industrial training; a 10-hour workday for adults; cessation of night work, with exceptions; a maximum workday of from five and one-half to six hours for young people from 13 to 16 years of age and for married women, which would be productive of the system known as "half-time," by which one shift of such persons is employed in the forenoon and the other in the afternoon exclusively; a maximum workday of 10 hours for all young people from 13 to 16 years of age employed in domestic industry; prohibition of labor on Sunday with exceptions, and also in certain occupations dangerous to health, and especially of the employment of young people or females in enterprises inimical to their health and morals; and finally, for backward countries, a period of transition of a dozen years, if need be, for the attainment of the standards set.

Shortly after the appearance of Dr. Adler's work, Prof. Lujo Brentano, of the University of Leipzig, published an article upon "The international regulation of industry," in which he stated that he believed the effects of factory legislation upon national industrial competition would be an increase in wages; improvement in the ability of the workers and the general quality of their work, compensating in part, at least, for whatever diminution of production would be attendant upon such regulation; and the moral and physical regeneration of laborers. In discussing the degree of uniformity possible in labor regulation between different industrial countries, he stated that it is possible only so far as the diversity of conditions of production, including climate, situation, peculiarities of social or industrial organization, financial resources, etc., of the competing countries permits. In his opinion, diplomatic pressure could be usefully exercised only to induce each country to pass national factory legislation compatible with its concrete conditions of production, thus preserving its capacity for competition, but, in defense of the employee, precluding excessive competition with the industries of

other countries. For the enforcement of labor laws called for in this plan, he suggested the device of adding to commercial treaties a clause making the enjoyment of their advantages conditional upon the faithful observance of the agreements entered into relative to factory legislation. The obvious impracticability, or at best inferiority, of such a scheme, as compared with methods at present in operation, makes comment unnecessary.

On the 23d of August, 1886, an international labor congress, convened at Paris to debate the problems of a normal workday, adopted a resolution urging the workers of the different countries to invite their Governments to strive for the solution of labor's difficulties through international conventions. At the Congress of Montluçon, in 1887, the trade-unions of France voted to invite the Government to treat with other powers for international labor legislation. In Switzerland in the same year Messrs. Descurtins and Favon placed a motion [1] before the committee of the National Council referring to the fact that a great number of States either had or were in the process of securing labor legislation similar to that of Switzerland, and consequently inviting the Federal Council to get into communication with those States relative to the conclusion of treaties or conventions on the protection of minors, the limitation of the work of women, weekly rest, and the normal workday. There was little expectation that such action on the part of the Federal Council at that time would produce immediate tangible results other than to bring the subject into the limelight of European public opinion, although even that was considered to be worth while. In 1888 the Federal Council gave its official sanction to the proposition and declared its intention of presenting at some future date to the States of Europe, in place of a general memorial, a concrete and detailed program. It hoped to realize, in part at least, the measures recommended in the motion, to which it wished to add the regulation of relations between employers and employees and of hygienic conditions in factories. Any attempt to obtain an international workday was characterized as impracticable for the time being. Attention was also directed to the fact that the subject of labor control was not merely one between Governments, but one in which the populations of the States concerned had a direct interest and one which would be either advanced or impeded in proportion as these populations cooperated for the success of the movement or failed to do so. In further explanation of the motion the following points were designated by special report as fundamental to the conclusion of a satisfactory international convention, viz: The determination of a minimum age limit for children working in factories and mines, the prohibition of the night work of women and

[1] Archives Diplomatiques, 1890, vol. 36, p. 46.

minors, of the work of women in certain unhealthy and dangerous industries, and of Sunday work, and the determination of the maximum workday for minors. The establishment of a central international office to transmit information with reference to the enforcement of international conventions was also advocated by the Federal Council.

In 1889 the Federal Council addressed a circular note[1] to the Governments of Europe recalling to mind its previous unsuccessful action in 1881, but anticipating better success on account of progress made in the intervening period of eight years. The question of concurrent labor legislation under an international compact was again broached. Recognition was given to the impossibility of the complete attainment of the ends in view by a single effort. As a beginning, it was thought that the international regulation of Sunday, female, and child labor would be expedient. The convocation of an international conference to adjudicate upon such measures, drafted in advance for the sake of convenience, was recommended as a prerequisite to the incorporation of such provisions into international conventions. Following the exchange of ratifications, such conventions would become valid to all intents and purposes as the international law of the powers concerned. It is noteworthy that 15 years later this was substantially the procedure adopted for the creation of the Bern conventions. The full program proposed in the note contemplated the prohibition of Sunday labor and of the employment of young people and women in undertakings dangerous or particularly detrimental to health; the establishment of a minimum age for the admission of children into factories, and of a maximum day's work for young workers; the restriction of night labor for young people and women; and establishment of procedure for carrying out the conventions concluded. This time Austria-Hungary, France, Luxemburg, Belgium, Holland, and Portugal were favorably inclined; Spain merely acknowledged receipt of the communication; the replies of England and Italy contained reservations; Russia frankly refused to participate, finding ground for excuse in the difficulty of uniform regulation of labor under the diversity of conditions existing in different parts of the Empire. Germany, Denmark, Sweden, and Norway sent no reply.

Switzerland had intended to convene a conference if possible in September, 1889, but in view of the replies to her note, she decided to postpone it to the following year. Another note[2] was addressed, however, to the ministers of the several powers previously approached, in which the replies above cited were reviewed and notice given of the intention to transmit a detailed program for the coming meeting,

[1] Archives Diplomatiques, 1889, vol. 30, pp. 77–79. [2] Idem, 1889, vol. 31, p. 342.

as far in advance as possible, to the powers interested. The program was later submitted in connection with a formal invitation to the conference which was to be nondiplomatic in character, and to be convened Monday, May 5, 1890, at 3 o'clock in the afternoon in the room of the Council of State of the Federal palace at Bern, Switzerland. The program was in the form of a long list of questions classified according to topics.

The same year (1889) a socialist congress was convened July 14 at Paris, where resolutions prepared by an international conference held at The Hague February 28, 1889, were presented. The resolutions expressed approval of the efforts of the Swiss Republic and enjoined the cooperation of the socialist parties and labor organizations. The measures advocated the prohibition of the work of children under 14 years of age and of night work in general; an eight-hour workday; a weekly day of rest; the conservation of health; an international minimum wage; a system of national and international inspectors chosen by labor and paid by the State to insure the enforcement of the above and the extension of their supervision to home industry.

In the following August the general council of Bouches-du-Rhone adopted a resolution by which the French Government was invited to take the initiative in international legislation to establish a workday of eight hours.

On February 4, 1890, the German Emperor addressed a rescript to Bismarck, in which he stated that in view of the necessity of maintaining German industry in such a state that it could meet competition in international markets he was resolved to work for the betterment of German workers and that the only possible way to accomplish this was through international agreements. His official representatives in France, England, Belgium, and Switzerland were therefore ordered to ascertain whether those Governments would cooperate with the German Government in an effort to remove the causes of strikes and industrial unrest and, if so, to invite them to take part in a conference to deliberate on these questions. Back of this move on the part of the Emperor lay a period of labor unrest in Germany and of a severe strike in the Ruhr district.

Another rescript to Messrs. von Berlepsch and Maybach reviewed the necessity of further legislation on workmen's insurance; considering the means for safeguarding the health, morals, and economic needs of factory workers; helping to maintain peace between employers and workmen by making legal provision for representation of workers by men who would uphold their interests; affording economic protection to workers in State mines; and establishing an inspection system in private mines. The rescript closed with the statement that as the greatest difficulties in accomplishing these ends were to be found in connection with foreign competition the chan-

cellor of the Empire had been advised to bring about a conference with other States on the subject of international regulation.

Three weeks later, on February 25, the Swiss Republic, suddenly, in a circular letter,[1] canceled the international conference which was to be held at Bern. In the letter recalling the invitation to the conference the Swiss Federal Council pointed out that the unforeseen coincidence of the appearance of the German rescript on the same day on which the questionnaire was sent out from Bern had necessitated consultation between Switzerland, Germany, and the other States and that the German Government had expressed the desire that for the present the Bern conference should be abandoned and that the two conferences should unite.

While no reason appears for this sudden move on the part of Germany, who had received but had not replied to the Swiss invitation, Switzerland, as stated in her note, apparently desired above all the success of, rather than the honor of holding, the first great international conference of a diplomatic character which would rivet the attention of the world upon the subject of international labor regulation. Since it was not feasible to hold both conferences she acquiesced in Germany's request and cooperated with her in the formulation of plans for the coming conference. It was held under the auspices of the German Government at Berlin.

[1] Archives Diplomatiques, 1890, vol. 33, pp. 373, 374.

CHAPTER III.—INTERNATIONAL POLITICAL LABOR MOVEMENT.[a]

The Socialist International was founded originally as the International Workingmen's Association. The association continued active for less than 10 years, to be revived in 1889. Its latest international congress (the eighth) was held at Copenhagen in 1910, at which 896 delegates from 23 nations were present. The earlier association held 10 congresses; the revived organization has held 8 regular international congresses, together with a special one in 1912. The gatherings of the International were resumed in February, 1919.

The chronological tabular statement below shows the international congresses of the movement up to the beginning of the war.

INTERNATIONAL CONGRESSES OF THE INTERNATIONAL SOCIALIST MOVEMENT.

Congresses.	Place.	Date.	Number of delegates.
INTERNATIONAL WORKINGMEN'S ASSOCIATION.			
First	Geneva, Switzerland	Sept. 3, 1866	60
Second	Lausanne, Switzerland	Sept. 2–8, 1867	71
Third	Brussels, Belgium	Sept. 16–18, 1868	100
Fourth	Basel, Switzerland	Sept. 5–11, 1869	80
Fifth	The Hague, Netherlands	Sept. 2–9, 1872	65
Sixth	Geneva, Switzerland	Sept. 1–6, 1873	24
Seventh	Brussels, Belgium	Sept. 7–13, 1874	16
Eighth	Bern, Switzerland	Oct. 26–30, 1876	31
Ninth	Verviers, Belgium	Sept. 6–8, 1877	19
	Ghent, Belgium	Sept. 9–15, 1877	48
Tenth	Chur, Switzerland	Sept. 2–7, 1881	[1]
SOCIALIST AND LABOR CONFERENCES.			
First	Paris, France	Oct. 29–Nov. 2, 1883	79
Second	....do	Aug. 23–29, 1886	170
Third	London, England	Nov. 6–10, 1888	123

[1] Not known.

[a] The authorities consulted in the preparation of this chapter have been principally the following:

(1) Annuaire de la Vie Internationale. Brussels, Office central des Associations Internationales [1913], 2,652 pp.

(2) Guillaume, James: L'Internationale; documents et souvenirs (1864–1878). Paris, 1906–1910. 4 vols.

(3) Periodical bulletin of the International Socialist Bureau. Brussels, 1910 to date.

(4) Archiv für die Geschichte des Sozialismus und der Arbeiterbewegung herausgegeben von Carl Grünberg. Leipzig, 1910 to date, quarterly.

(5) La Revue Socialiste, syndicaliste et cooperative. Paris, 1885 to date.

(6) Flint, Robert. Socialism. London, 1895. 512 pp.

(7) Jaeckh, Gustav: Die Internationale; eine Denkschrift zur vierzigjährigen Gründung der Internationalen Arbeiter-Association. Leipzig, 1904. 236 [4] pp.

(8) Kulemann, W.: Die Berufsvereine. Berlin, 1913, vol. 6.

(9) Rae, John: Contemporary socialism. New York, 1901. 555 pp.

(10) Villetard, Edmond: History of the International, translated from the French by Susan M. Day. New Haven, Conn., 1874. 259 pp.

CONGRESSES OF THE INTERNATIONAL SOCIALIST MOVEMENT—Concluded.

Congresses.	Place.	Date.	Number of delegates.
INTERNATIONAL SOCIALIST AND LABOR CONGRESSES.			
First:			
(*a*) Possibilist	Paris, France	July 14–20, 1889	651
(*b*) Marxist	do	do	391
Second	Brussels, Belgium	Aug. 16–22, 1891	374
Third	Zurich, Switzerland	Aug. 6–12, 1893	296
Fourth	London, England	July 27–Aug. 1, 1896	475
Fifth	Paris, France	Sept. 23–27, 1900	782
Sixth	Amsterdam, Netherlands	Aug. 14–20, 1904	483
Seventh	Stuttgart, Germany	Aug. 18–24, 1907	884
Eighth	Copenhagen, Denmark	Aug. 23–29, 1910	896

PRESENT INTERNATIONAL SOCIALIST ORGANIZATION.

After the dissolution of the old International, which is the common designation of the International Workingmen's Association, there followed a period (1872–1900) during which no permanent international organization existed to bind together the Socialist parties of the individual countries. Beginning with 1889, the large labor congresses established an intermittent connection, and through this relationship may be considered as a new international. Soon, however, the need was felt for a more closely knit organization, and a resolution adopted at the London congress of 1896 declared it desirable that a Socialist bureau with headquarters in London be established. The congress thereupon appointed a committee which was charged with working out a plan to be submitted to the next congress.

The congress at London also gave opportunity for holding a conference of the Socialist members of various parliaments. It was determined to hold such conferences at regular intervals in the future in order to enable the parliamentary representatives of the Socialists to enter into closer relations and thus bring about more uniform action in the various countries.

At the Paris congress of 1900 the scheme for a permanent bureau and an interparliamentary commission was further developed. The congress resolved to appoint a committee to administer the permanent bureau, composed of representatives of the Socialist parties of all countries and charged with receiving and compiling the reports of the individual countries and with preparing the program of the next congress. The committee was appointed and given a salaried secretary with the headquarters at Brussels.

At the same time it was determined that the committee should request the national parliamentary groups to form an interparliamentary commission in order to facilitate uniform procedure in dealing with political and economic problems. This commission was to be linked up with the committee of the bureau. The congress of

Amsterdam (1904) took final action in establishing an interparliamentary commission and provided that the headquarters of the commission be located at Amsterdam. Inasmuch as it was soon discovered that locating these offices separately in this manner unnecessarily hampered communication and cooperation between the two, the interparliamentary conference at London (1907) decided to make the secretary of the permanent bueau the secretary of the interparliamentary commission as well.

Originally it had been provided that each country should have one vote in the International Bureau. The unfairness of this provision caused the large nations to complain at the Amsterdam congress (1904) that they were being outvoted by the small nations. The bureau, therefore, with the approval of the congress of Stuttgart (1907), amended its by-laws so that each country would have from 2 to 20 votes, according to its importance. Regulations for the bureau and the congresses, which are still in force, were fixed by this congress at the same time.

The International Socialist Bureau.—The International Bureau consists of two representatives from each of the adhering countries, elected by the national sections of the congress. The members of the interparliamentary commission are at the same time alternate delegates to the bureau and have the right to take part in its meetings. The bureau has a secretary receiving an annual salary of 3,000 francs ($579), whose duty it is to obtain and compile required information, to report on the state of the socialist movement, to maintain a library, and to publish studies on the more important socialist problems.

To the international Socialist congresses shall be admitted.

1. All associations adhering to the essential principles of socialism, namely, to the socialization of the means of production and exchange, to international combination and action of the working classes, and conquest of the public power through the proletariat organized into a class party.

2. All trade-union organizations which believe in the principle of the class struggle and recognize the necessity of political, legislative, and parliamentary action, but do not directly take part in the political movement.

The parties and organizations of each country shall form a national section, which, with reservation of an appeal to the congress, shall have authority to determine the admission of all parties and organizations of the nation in question.

In determining the number of votes several factors are taken into consideration: (1) The number of paying members in proportion to the population; (2) the importance of the nation; (3) the numerical strength of the trade-unions and cooperative societies; (4) the political power of the party as measured by its vote. According to a list prepared by the bureau in 1906, the number of votes assigned to the individual countries is as follows: Germany, Austria, France,

Great Britain, and Russia, each 20 votes; Italy, 15; United States, 14; Belgium and Sweden, 12 each; Denmark, Poland, and Switzerland, 10 each; Netherlands and Hungary, including Croatia and Finland, 8 each; Spain and Norway, 6 each; Turkey, 5; Serbia, Bulgaria, Roumania, and Argentina, 4 each; and Luxemburg, 2. Each nation determines the distribution of its votes among the interested groups within the nation; if an agreement as to the distribution can not be arrived at among the groups, the International Bureau renders a decision.

The expenses of the organization are raised through contributions of the individual nations, but the amount of these contributions, which is determined by the bureau, must not be less than 100 francs ($19.30) for each vote to which the nation in question is entitled.

The International Socialist Bureau has held 12 meetings: December 30, 1901, December 29, 1902, July 20, 1903, and February 7, 1904, at Brussels; August 14 to 20, 1904, at Amsterdam; January 15, 1905, March 4 and 5, 1906, and November 10, 1906, at Brussels; August 18 to 24, 1907, at Stuttgart; October 11, 1908, and November 7, 1909, at Brussels; and September 3, 1910, at Copenhagen.

The subjects of discussion have been the programs of the congresses, the admission of new organizations, disputes of various groups within the same country, persecution of the party in individual countries, militarism, prevention of war through international peace tribunals, general disarmament, relations of the party to cooperative societies, organization of a socialistic movement among young persons, abolition of the death penalty, immigration, international labor legislation, unemployment, employment exchanges, and international solidarity. In addition to reports made every three years, the bureau has published in three languages various studies and an official periodical, the Periodical Bulletin of the International Socialist Bureau.

The Interparliamentary Commission.—This Commission was established through a resolution of the Amsterdam Congress of August 20, 1904. It consists of one delegate from each nation represented in the International Bureau, which has declared its willingness to take part in the commission. It aims to secure uniform parliamentary action in the various countries and assists in attaining this end by the collection of the laws and by interchange of parliamentary discussions. In connection with a meeting of the bureau there is held annually a conference in which all members of the adhering parties may take part. The members of the bureau may take part in the sessions of the commission in an advisory capacity. The voting of the commission is similar to that of the bureau. The expenses of the commission are raised through dues and voluntary contributions, the former amounting to 5 francs (96.5 cents) per year for each delegate.

The Interparliamentary Commission has held five conferences: July 17 to 19, 1906, at London; August 17, 1907, at Stuttgart; October 12, 1908, and November 8, 1909, at Brussels; and September 3, 1910, at Copenhagen. The following subjects were discussed: Political conditions in the individual countries, Colonial policy and treatment of natives, and State regulation of old-age pensions for workers.

Conferences of socialist editors have in several instances taken place in connection with the meetings of the commission.

Socialist women have also held conferences at the time of the international socialist and labor congresses, for example, in Stuttgart in 1907 and at Copenhagen in 1910. On the last-named occasion 16 nationalities were represented and resolutions were passed dealing with the liberation of Finland, maintenance of peace, woman suffrage, maternity benefits and insurance, and the high cost of living.

The Young Socialists are likewise organized internationally, and an international secretariat has been established at Vienna. The first conferences of this group occurred in 1900 at Paris and 1904 at Amsterdam on the occasion of the regular Socialist and labor congresses, but were without definite results. A national congress of the German group in 1906 prepared the way for a permanent international organization and the holding of a congress in connection with the regular International Socialist and Labor Congresses of 1907 at Stuttgart. The international organization of the Young Socialists has approved the affiliation of the Young Socialist groups in Belgium, France, Germany, Great Britain, Italy, Netherlands, Austria, Bohemia, Bulgaria, Spain, Denmark, Norway, and Sweden, which, in 1907, represented approximately 60,000 members. Proposals for affiliation of this international organization with the International Socialist Bureau were made and accepted at the Copenhagen Congress of 1910.

PRINCIPLES AND SIGNIFICANCE OF THE MOVEMENT.

As will appear in the following pages, summarizing the proceedings of the more important international congresses, the international socialist movement is far from being unified. Divergences cropped out almost immediately upon its organization. Two wings developed—the State Capitalists and the Anarchist Communists. The former believe in the socialization of industry and the means of production through the instrumentality of the governing State; the latter in their socialization through local governmental units or groups. The believers in State capitalism are generally known as Socialists; the Communists are the so-called Anarchists, who advocate the minimum of political interference in the relations of men and would reduce all government to politically unrelated free communities. The advo-

cates of the two movements are united by their belief in the principle of the abolition of private property for personal profit. They are at the poles as respects methods—the Socialists favoring State control and management; the Anarchists favoring cooperative ownership free from the ordinary restraints of political control.

The differences between the parties within the movement have hinged more upon methods than upon economic or political theories. The Simon-pure socialists have emphasized the method of the State and of parliamentarism, while the Anarchists have stressed extra-parliamentary or economic methods. The victory thus far rests with the Socialists and the employment of parliamentary methods in securing economic and political ends.

The adoption of the particular political and economic opinions held by the members of the movement has been by a process of evolution. The early workingmen's movement was not socialistic in theory but was gradually won over to that persuasion. The movement was originally economic and opportunit.

The international socialist labor movement is more largely composed of the intellectuals than of the workingmen themselves. France and Germany have supplied the leaders of the movement, the larger proportion of its members, and, what is more important, the theories underlying it. German theories and methods are fundamentals to the Marx wing, while French theories and methods are characteristic of the Bakunin and Proudhon or anachist wings. The Romance countries have furnished the meeting places and headquarters of the movement. The international congresses have alternated between Belgium, France, and Switzerland. The hostility of the Germans to the French leaders and their propaganda prevented a meeting in Germany until 1907. The growing importance of the Scandinavian countries in the socialist movement is reflected in the holding of the eighth congress in Copenhagen in 1910.

During the recent war the antiparliamentary wing has grown considerably stronger, and has taken distinct shape as a separate movement under the name of syndicalism. It is not accident, but the logical evolution of history, that this syndicalist branch is strongest in the Latin countries, where Bakunin always found his largest following. The story of this newer international secession movement, however, as revealed in the international labor conferences of Zimmerwald, Switzerland, 1915, and Kienthal, Switzerland, 1916, is a war-time matter outside the scope of this history.[1]

The significance of the international socialist and labor congresses lies less in the resolutions adopted by them than in the fact that they

[1] Since this bulletin was prepared there has appeared a special monograph on the two rival international Socialist organizations: The two Internationals, by R. Palmo Dutt, London, Labor Research Department, 1920.

have made possible the entering into personal relations, interchange of views and experiences, and the strengthening of the feeling of community of interests and of solidarity among themselves. This has repeatedly been emphasized by those in intimate touch with the movement. It has been proposed that resolutions should be adopted only on exceptional occasions and that instead the chairman of the congress should merely sum up the views expressed by the individual delegates. This proposal was based on the fact that to-day the significance of the congresses lies predominantly in the field of public discussion. Hence resolutions should be adopted only on important occasions and then only when there is real unanimity. It has been pointed out that owing to the great diversity of conditions in the countries interested, it does not seem expedient for international congresses to pass finally upon social problems. The problems that claim the attention of the congresses can not be compressed into a few simple formulas but must be considered in connection with national historical development. International socialism must flow through national channels. On the other hand, if problems are hastily passed upon, the unsatisfactory result ensues that those nations which are inclined to live up to their obligations are less favorably situated than are other nations less scrupulous in this respect.[1]

INTERNATIONAL WORKINGMEN'S ASSOCIATION.

The Communist League founded at London in 1838 was the first association which aimed to bring about a revolution of the existing order of the State and of society by means of an international organization of the workers of all countries. The workers were, however, much less represented in this league than were the intellectuals. The league obtained considerable publicity through "the manifesto of the Communist Party," composed by Karl Marx and Friedrich Engels and issued in 1848, which ended with the words: "Proletarians of all countries, unite!"

Without having achieved any material results, the league dissolved in 1850, but the ideas it represented did not die with its dissolution. The World's Fair of 1862 at London offered a new opportunity for the realization of these ideas. At the suggestion of a French paper, the Progrés de Lyon, a committee was formed for the collection of funds which would make it possible to send over to the London World's Fair a large number of French workmen. The plan was approved by Napoleon III and was carried out with State aid. Naturally the delegates of the French workingmen entered into relations with the English labor leaders. A fraternization meeting was held on August 5, 1862, at which delegates from England, France, Bel-

[1] Kuleman, W.: Die Berufsvereine, 1913, vol. 6, pp. 230, 231.

gium, and Germany were present. In an address very moderate in tone the English delegates suggested for the first time the formation of an international workingmen's association. They advanced the idea that some permanent medium for the interchange of thought between the workingmen of different countries was likely to throw light on the "economic secrets of society" and hasten the solution of the great labor problem. The solution of this problem had not yet been discovered, and the socialistic systems which had hitherto professed to solve it were nothing but magnificent dreams. Moreover, if the system of competition continued, some more harmonious arrangement between employer and workmen must be devised. In order to assert the views of the laboring class effectively in that arrangement, a firm and organized union must be established among workingmen, not merely nationally but internationally, for their interests, both as citizens and as workmen, were everywhere identical.

These ideas constituting the basis of a very rational and moderate program were enthusiastically received by all the delegates. A committee was appointed and instructed to carry on propaganda for the program as outlined.

The committee formed in 1862 endeavored to gain adherents in the countries represented at the meeting of that year, but at the very first encountered a serious obstacle in the French prohibition of combination which made it very difficult to form associations in France. Not until 1864, after this prohibition had been removed, could a decisive step be taken. A meeting was convened in London, September 28, 1864, to which Great Britain, France, Belgium, Italy, Germany, and Poland sent delegates. At this meeting it was resolved to form "The International Workingmen's Association," and a committee of 50 was appointed to prepare a program and by-laws which were to be discussed and decided upon by a subsequent congress.

All of the countries named were represented on the committee, but the English delegates formed the majority and also furnished the chairman. Although the English members of the committee represented the moderate element, Marx and Eccarius, the German delegates, who took a very radical point of view, soon succeeded in gaining a predominating influence in the committee. The committee also included Proudhon, who thought to solve the social problem through cooperative societies; Blangui, who saw in revolution the sole remedy; Jules Simon, who expected to achieve results through education; Mazzini, the bourgeois democrat, and Friedrich Lange and Lothar Bucher, two academic socialists. Pronounced anarchists and nihilists sat side by side with liberal philanthropists.

The initial difference between the moderate and radical groups in the committee arose over the discussion of the program. Karl Marx

as well as Major Wolff, a supporter of Mazzini, had prepared drafts. The former laid stress on the class character of the labor movement, while the latter emphasized the humanitarian aspect of the problem. A majority of the delegates decided to adopt the draft presented by Marx, the so-called "inaugural address." Through this address Marx impressed upon the International at its birth the stamp of his own revolutionary socialism. He never had a higher official position in the International than corresponding secretary for Germany, for it was determined, probably with the view of securing a better hold on the great English working class and their trade organizations, that the president and secretary should be English workingmen. But Marx had the ablest, the best informed, and probably the most determined mind in the committee; he governed without reigning; and with his faithful German following he exercised a paramount influence on its action from first to last, in spite of occasional revolts and intrigues against an authority which democratic jealousy resented as dictatorial.[1]

It had been intended to hold the constituent congress in 1865 at Brussels, but the weakness of the propaganda for the movement and the unfavorable attitude of the Belgian Government caused the postponement of the congress, it being called at Geneva the next year.

While the above organization by Marx and his followers was taking shape, Bakunin, the internationalist anarchist, was building up a considerable influence in the Latin countries of Europe. In 1864 Bakunin founded in Italy an "International Fraternity" or "Alliance of Socialist Revolutionaries," largely to combat the nationalism of Mazzini, who held that the interests of capital and labor were identical, and consequently favored their closest cooperation. In 1867 he moved to Switzerland and established the "International Alliance of Socialist Democracy," which was refused admission as a branch of the International Workingmen's Association on the ground that it was itself international and not a local organization, as required by the laws of the latter. The Geneva branch of Bakunin's organization, however, was finally admitted to the International Workingmen's Association. Although the movements were thus early united in form, in principle they always remained apart, a divergence which ultimately caused a breakdown of the International Workingmen's Association in its political aspect.

The program of the alliance should be compared with the "inaugural address" of Marx at the first international congress of the International Workingmen's Association, as it forms an excellent summary of the theory underlying the anarchist wing of the movement.

> The alliance declares itself atheist; it desires the definitive and entire abolition of classes and the political equality and social equalization of individuals

[1] Rae, John: Contemporary Socialism, New York, 1901, pp. 152–154.

of both sexes. It desires that the earth, the instruments of labor, like all other capital, becoming the collective property of society as a whole, shall be no longer able to be utilized except by the workers, that is to say, by agricultural and industrial associations. It recognizes that all actually existing political and authoritarian States, reducing themselves more and more to the mere administrative functions of the public services in their respective countries, must disappear in the universal union of free associations, both agricultural and industrial.

INTERNATIONAL SOCIALIST AND LABOR CONGRESSES.

FIRST AND SECOND CONGRESSES, 1866, 1867.

The first congress of the International Workingmen's Association convened on September 3, 1866, at Geneva, and was participated in by 60 delegates from various countries. One of the principal questions before the congress was whether membership should be restricted to workmen, as proposed by the French delegates. This proposal, which would have meant the exclusion of the leaders of the movement who were not workingmen, was voted down by a large majority.

Inaugural address.—The most important question discussed by the congress was the creation of a future program of action, which hinged upon accepting or declining the draft of Karl Marx already approved by the committee on program. But Marx had been careful to make in his draft only such concrete demands as anybody in favor of social reform could have subscribed to and to express his most important radical ideas in the preamble alone. Hence his "inaugural address" was accepted as the program without considerable opposition. Its text was as follows:

Considering that the emancipation of the working classes must be carried out by the working classes themselves, and that the struggle for the emancipation of the working classes does not imply a struggle for class privileges and monopolies, but for equal rights and duties, and for the abolition of all class domination;

That the economic dependence of the workingman on the monopolist for the means of production, the sources of life, forms the basis of servitude in every form, social misery, mental degradation, and political dependence;

That consequently the economic emancipation of the working classes is the great aim to which every political movement must be subordinated as a mere means to an end;

That all endeavors directed to this great aim have hitherto failed from want of union between the various branches of labor of each country and from the absence of a fraternal bond of union between the working classes of the various countries;

That the emancipation of labor is neither a local nor a national, but a social problem, which comprises all countries in which the modern state of society exists, and whose solution depends on the practical and theoretical cooperation of the most advanced countries;

That the present reawakening of the working classes of the industrial countries of Europe, while raising new hopes, contains a solemn warning against a

return to old mistakes, and demands the close connection of the movements which are as yet separated;

For these reasons the First International Congress of Workingmen declares that the International Workingmen's Association and all societies and individuals connected with it acknowledge truth, justice, and morality as the basis of their behavior among themselves and toward all their fellow men without regard to color, creed, or nationality. The congress regards it the duty of each man to demand the rights of a man and citizen, not only for himself, but also for every one who does his duty. No rights without duties, no duties without rights.

In its final resolutions the first congress limited itself to a demand for the maximum eight-hour day for all adult workers, and to a declaration in support of international trade-unions. The Collectivists, who were greatly in the minority, yielded in their attack upon trade-unions which in principle accept the validity of the present economic system. At the second congress the Collectivists or State socialists were able to secure the acceptance of a compromise resolution favoring the socialization of the means of transportation and communication, and to obtain a declaration against monopolies and in recognition of the rights of society against the oppression of monopolies. The cooperative societies were reproached for splitting up the workingmen into two groups, so that the better-situated group secured certain advantages at the expense of the group less well situated.

THIRD AND FOURTH CONGRESSES, 1868, 1869.

The International Workingmen's Association became definitely State capitalist or socialist at its third congress. The radical element put through a resolution by a vote of 30 to 4, with 15 not voting, demanding the socialization of land and mines. The second congress had voted for the socialization of the means of transportation and communication. At the fourth congress the extreme Collectivists clinched their control by securing a condemnation of voluntary cooperative ownership, or mutualism so called, favored principally by the French delegates. The vote on the resolution was fairly close, 32 to 23, with 17 not voting. Although thus radical on the political side, on the economic or trade-union side these congresses made moderate demands, for, while favoring strikes as a weapon of labor, they recommended arbitration boards as the best means of settling labor disputes. The line of cleavage in membership is clearly shown in the first three congresses, one group emphasizing the economic emancipation of the workingman, the other the need for political domination. Started as an economic movement among British trade-unions and workingmen, the International gradually took on the character of a political labor movement.

PARIS COMMUNE AND THE INTERNATIONAL.[1]

The Franco-Prussian war of 1870 prevented the holding of the regular congress of the International set for Paris in that year. In the meantime the Paris Commune arose to affright Europe. It was charged that the moving spirit in this uprising in Paris and in the attempt at communizing the social order was the International Workingmen's Association. Undoubtedly some of its members sat in the Paris Commune, but none of them were leaders in the Hotel de Ville council.

The leaders of the International, however, were, undoubtedly, in genuine sympathy with the commune, and probably approved both its aims and its methods, and Marx, at the congress of the International, at The Hague, September 2 to 9, 1872, drew from its failure the lesson that revolution must rest on solidarity in order to succeed. A revolution in one capital must be supported by simultaneous revolutions in others.

But, while there is little ground for the common belief that the International had any important influence in creating the insurrection of the commune, it is certain that the insurrection of the commune killed the International. The English members dropped out of it and never returned. At its first congress after the revolution (The Hague, 1872), the International itself was rent by a fatal schism arising from differences of opinion on the question of the government of the society of the future, which would probably not have become a subject of such keen interest at the time but for the Paris Commune. The question concerned the maintenance or abolition of the State as the supreme central political authority, and the discussion brought to light the fact that the socialists of the International were divided into two distinct and irreconcilable camps—the Centralist Democratic Socialists, headed by Marx, and the Anarchist Socialists, headed by Michel Bakunin, the Russian revolutionist. The Marxists insisted that the socialistic régime of collective property and systematic cooperative production could not possibly be introduced, maintained, or regulated except by means of a powerful centralized political authority which should have the final disposal of everything. The Bakunists held that this was just bringing back the old tyranny and slavery in a more excessive and intolerable form. They adopted the doctrine of Proudhon, who said that "the true form of the State is anarchy," meaning by anarchy, of course, not positive disorder, but the absence of any supreme ruler, whether king or convention. They would have property possessed and industry pursued on a communistic principle by groups or associations of

[1] Rae, John: Contemporary Socialism, New York, 1901, pp. 152–154.

workmen, but these groups must form themselves freely and voluntarily, without any social or political compulsion. The Marxists declared that this was simply a retention of the system of free competition in an aggravated form, that it would lead only to confusion, and that the Bakunists, in trying to abolish the evils of free competition, were still foolishly supposing that the world could go of itself. This division of opinion—really a broader one than that which separates the socialist from the orthodox economist—rent the already weakened International into two separate organizations.

FIFTH CONGRESS, 1872.

In order to get rid of the opposition of the Bakunists, Marx used his influence to have the congress of 1872 held at The Hague, i. e., in a country to which Bakunin could not go without being arrested as a fugitive from the law, several sentences having been passed upon him. At this congress, held September 2 to 9, 1872, and attended by 65 delegates, the general council moved that Bakunin and his followers be excluded from the International. After a heated debate, the motion was carried by a vote of 27 to 6, 7 not voting. The Geneva branch of the Bakunist alliance was finally suspended. This exclusion of the Bakunist element may have been necessary to free the International from internal strife which exhausted its strength, but at the same time it signified a death blow to the association itself.

The Franco-Prussian War and the national hatreds growing out of it probably had much to do with this disruption of the International. The Latin branches of it were partisans of the French cause. The original founders and the controlling elements in the International were German, and the German branches of the International had passed resolutions in support of the seizure of Alsace-Lorraine. Marx, however, had always been opposed to its violation. The French members of the International were not involved in the expulsion proceedings at The Hague, but did nevertheless withdraw with the other Bakunists, although disagreeing with the latter on some vital points of method and principle. The French, for instance, supported the organization of labor in political parties to overthrow the existing capitalist system, but the Bakunists refused all such support as that implied an assent to the "intrigues of parliament," as they termed it. The split into two separate organizations was now an accomplished fact. Thus by disagreements among the workingmen themselves the international solidarity of the labor movement was broken.

THE INTERNATIONAL IN THE UNITED STATES.[1]

At the beginning of the seventies the International made considerable headway in the United States. Sections had been founded in New York, San Francisco, Chicago, New Orleans, Washington, and other cities. During the first years of its existence it worked through the trade-unions. After 1870 it developed more as a separate labor group. At the end of 1871, when the International had 30 sections in America with a total membership of about 5,000, a Federal council was formed. The membership was composed chiefly of alien elements, but as soon as the native Americans began to take part in the movement a great diversity in views manifested itself. Tendencies appeared which, according to the view of the German members, diluted socialism, and finally a serious dispute arose between sections 1 and 12, in the latter of which the native element predominated. This dispute was terminated by the dissolution of section 12 by the general council in 1872. The whole history of the International in America has been one of continuous disputes brought about by differences in economic beliefs and social sympathies. The German elements have leaned to the side of Marx and the State Socialists, while the American groups have allied themselves with the Bakuninist faction, favoring greater freedom in organization. Industrial depression and unemployment have proved disintegrating mediums. National interest in America has also naturally outweighed the international interests of the movement. The country is removed from the currents of European unrest, and within its extensive borders and conflicting State jurisdictions labor has faced an interstate problem on a scale comparable with the international problems confronting European labor.

PERIOD FROM 1873 TO 1889.

This was the period of the dissolution and decay of the International following the bitter divisions exposed at the fifth congress at The Hague, 1872. The last years of the period, however, brought a revival of the International movement in the form of a series of three conferences, 1883, 1886, and 1888, at Paris and London, which prepared the way for the organization of the new International in July, 1889. After 1872 the various national federations or alliances gradually fell away, so that the later congresses, the sixth to the tenth (1873–1881), were merely shadows of a real international labor movement. Once the sections were made "autonomous," the individual members also began exercising their own "autonomy." In

[1] History of Labor in the United States, by John R. Commons and Associates, New York, Macmillan, 1918, Vol. II, pp. 204–222; Zur Geschichteder Internationalen Arbeiterassociation in den Vereinigten Staaten (Archiv für Geschichte der Sozialismus und der Arbeiterbewegung. Leipzig, 1911, vol. 1, pp. 458–477).

Europe the International continued after a fashion as the original organized expression of the labor movement. In England and America by contrast it never became more than an episode in trade-union history.

The sixth congress (September 1–6, 1873) was a dual one, the two branches holding opposition meetings; attendance was limited, and Marx termed the congress a fiasco. The seventh (September 7–13, 1874) and eighth (October 26–30, 1876) congresses were controlled by the Anarchist or Bakunist branch, whose membership and activities had become proscribed in most of the European countries. Its representatives came almost wholly from the Romance nations of Europe. The ninth congress (September 6–8, 1877), attended by anarchist members who had continued to operate from the Jurassian Federation of Switzerland as a center, was followed by a union congress (September 9–15, 1877) composed largely of members of that congress and a group of representatives of the socialist parties of Austria, Germany, Switzerland, Great Britain, etc. Forty-eight delegates attended this congress, which is given as the ninth congress by the new International in its official list of congresses.

The center of the movement in these years 1878 to 1889 passed to France. In Paris the "Cercle International," founded in 1882, was modeled after the old International Workingmen's Association and had the same aims.

While hitherto disputes between Anarchists and Socialists had prevented the creation of a common international organization, it was now obstructed by schism within the Socialist Party. At first this schism related only to conditions in France, where differences had developed between the Marxists and the Possibilists, as the more moderate wing of the party was called, but it became more sweeping when the Possibilists made common cause with the English trade-unions, and thus a further contrast between the socialistic and purely trade-unionist point of view made itself felt.

FIRST INTERNATIONAL LABOR CONFERENCE, 1883.

After plans for holding in the fall of 1883 an international congress at Paris had come to naught owing to the impossibility of bringing about an agreement among the leaders, the Possibilists (Federation des travailleurs socialistes de France) acted independently. In agreement with the English trade-unions they convoked an informal international conference at Paris (Oct. 29 to Nov. 2, 1883) because they feared that the French Government would prohibit a formal congress. The French delegates laid stress upon State action, while the British disapproved of it and were in favor of obtaining success through exploitation of the right of combination. As the opposing factions did

not succeed in convincing each other, compromise resolutions were adopted which took into consideration both points of view.

SECOND INTERNATIONAL LABOR CONFERENCE, 1886.

The proceedings of the second international conference, held at Paris from August 23 to 29, 1886, on the occasion of the first international industrial exposition, were essentially the same as those of the first conference, but the program and the sphere of representation had been enlarged, with a view to future international action. In addition to the French and English trade-unions, the socialistic labor parties of Belgium, Germany, Austria-Hungary, Sweden, and Norway had been invited and were represented, the total number of attending delegates being 170. But this enlargement of the sphere of representation brought out in a more marked manner the differences between the English trade-unions and the Socialists. The German representatives charged the English representatives with the reactionary character of their attitude and questioned their right to be considered the representatives of the entire English working class, as they had behind them only the skilled workers, merely one-tenth of the entire English working population. In replying to these charges the English representatives pointed to the practical results achieved by them and attacked the purely negative attitude of the social-democratic agitation. The English delegates, being in a decided minority, took part only in the discussions relating to factory legislation and left the conference in a body before its termination.

The resolutions adopted show the spirit of trade-unionism rather than that of militant political action. Demand was made for international factory legislation containing the prohibition of the employment of children under 14 years, establishment of an eight-hour day, prohibition of nightwork, protection to health and limb, factory inspection, minimum wages, continuation schools, and the unrestricted right of combination and association.

EVENTS LEADING TO CONGRESS OF 1889.

The conference resolved to convene an international labor congress at Paris in July, 1889, on the occasion of the centennial commemoration of the French Revolution and charged the French Labor Party with the task of preparing for it. But before this plan took shape, the English Trade-Union Congress at Swansea on September 11, 1887, resolved to hold an international congress at London during 1888. After the experiences at Paris with the admission of the political socialistic element, it was resolved that in order to avoid similar disturbances only such delegates should be admitted as were members

of labor organizations and were being sent to the congress at the expense of their organizations. It was expected that this measure would keep away professional agitators and parliamentarians. This "reactionary" resolution was received with great indignation by the German and Austrian Social Democrats. They pointed out that their national laws prevented them from complying with the English demand and that international factory legislation concerns political as well as trade-union organizations. Their demand that the parliamentary representatives of a labor party be admitted as labor representatives without qualifications and their offer to give up the international congress set for the year 1889 were declined. Hence the Social Democratic faction of the German Reichstag issued a manifesto on March 1, 1888, in which it advised against the sending of delegates to the English congress and announced that in agreement with labor representatives of other countries it would convoke a general labor congress in 1889.

London Congress, 1888.—The congress was nevertheless held at London from November 6 to 10, 1888. England was represented by 79 delegates, France by 18, Holland by 13, Belgium by 10, Denmark by 2, and Italy by 1. Of the English delegates 15 were considered to be Socialists, and as all the foreign delegates were socialists and the voting was to take place by nationalities a Socialist majority was assured from the outset. So while the congress was dominated by purely trade-union elements, and has been termed the first real trade-union congress, nevertheless it was politically a Socialist congress. In demanding an eight-hour day it was declared that such action should be through the State and that trade-union organization was yet too weak to secure that end. The proposal by a French anarchist to force the granting of the eight-hour day through a general strike was overwhelmingly rejected.

THE NEW INTERNATIONAL.

The conferences of 1883, 1886, and 1888 paved the way for a new rapprochement of the political labor groups of the various countries. The violent anarchistic elements had lost their predominating influence within it. The beginning of social reform legislation, as heralded by the factory acts of Great Britain, gradual improvement in the standards of living caused by greater production under a machine economy, and perhaps the opportunities offered in America had served to abate the demands and violent methods of oppressed labor. Beginning with 1889 congresses of the international political labor movement have been held about every three years. The last regular congress convened at Copenhagen in 1910, and a special one met in 1912 at Basel. The congresses have been renewed since the war, one having been held at Bern, Switzerland, February, 1919.

CONGRESS OF PARIS, 1889.

The French Possibilists convoked an international labor congress at Paris for July 14, 1889. The invitations to this congress stated, however, that the examination of credentials would be effected by nationalities. This led the Marxists to believe that they would be excluded from the congress as the Possibilists had a majority in the French Labor Party. They therefore disputed the right of the Possibilists to convoke a congress and on their part resolved to convoke an opposition congress claiming that they had been charged with the convocation of a congress by two French trade-union congresses.

In order to settle the dispute a conciliation conference was arranged for at The Hague for February 28, 1889, by the Social-Democratic faction of the German Reichstag, which was attended by two delegates from each of the following countries: Germany, Belgium, Netherlands, France, and Sweden. But this conference failed to settle the question under discussion and the Marxists called an opposition congress for July 14, 1889. On that day both congresses were opened at Paris and both were in session up to July 20. Before the sessions were over the two had formed a rapprochement and agreed to hold their next congress together at Brussels in 1891.

Marxist congress.—The Marxist congress was attended by 391 delegates, of whom 221 were from France, 81 from Germany, and 22 from Great Britain. The 19 countries represented were France, Germany, Great Britain, Belgium, Austria, Hungary, Russia, Netherlands, Sweden, Norway, Denmark, Switzerland, Poland, Spain, Roumania, United States, Portugal, Bohemia, and Bulgaria. The English trade-unions were represented only at the Possibilists' congress, while English Socialists attended both congresses. Aside from disturbances caused by Anarchists, which ended with their forcible removal, the first five days were spent in negotiations with the Possibilists and in listening to reports of the delegates as to conditions in the individual countries, so that on the last day of the congress there was no time left to discuss the proposals submitted by delegates and they had to be voted on without discussion.

The principal subject of discussion was protective labor legislation. The resolution dealing with this made the following demands:

1. A maximum eight-hour day for juvenile workers.
2. Prohibition of industrial employment for children under 14 years of age, and curtailment of the daily hours of labor of young persons 14 to 18 years of age to six hours.
3. Prohibition of night work, except for some branches of industry the nature of which requires continuous operation.
4. Prohibition of the employment of women in all industries in which the method of operation has injurious effects upon the organism of women.
5. Prohibition of night work for women and juvenile workers under 18 years of age.

6. One uninterrupted weekly rest period of at least 36 hours for all workers.
7. Prohibition of those branches of industry and methods of operation which are injurious to the health of the workers.
8. Prohibition of the truck system.
9. Prohibition of wage payment in foodstuffs and of company stores, canteens, etc.
10. Prohibition of the sweating system.
11. Prohibition of private employment offices.
12. Inspection of all workshops and industrial establishments, inclusive of homeworking establishments, through factory inspectors paid by the State and of whom at least one-half shall be elected by the workers.

For the application of these measures the congress recommended the conclusion of international treaties and at the same time appointed an executive committee of five members, which was instructed to carry on propaganda for the demands of the congress at the international conference on labor legislation proposed by the Swiss Government (see p. 31). The committee was also charged with promoting agitation for the eight-hour day and with the publishing for this purpose of a special weekly paper under the title "The Eight-Hour Day," and finally it was authorized to convoke the next international labor congress.

A motion made by a Dutch delegate and supported by the majority of the French delegates recommending the general strike as a means of bringing about the social revolution, and particularly the so-called military strike, i. e., the general refusal of the working classes to bear arms in case of the outbreak of war, was rejected by a large majority after a heated discussion.

The other resolutions related to the abolishing of standing armies and the introduction of a national militia, unrestricted right of combination and association, and equal pay for workers without distinction of sex and nationality. One resolution in particular requested the workers to endeavor to secure for themselves political power and political suffrage and to join the Socialist Party.

Finally the congress adopted the following resolution with respect to the establishment of a general labor holiday:

A great international demonstration shall be organized for a fixed date in such a manner that the workers in all countries and in all cities shall simultaneously on a specified day make a demand on the public powers to legally fix the duration of the workday at eight hours and to put into application the other resolutions of the international congress at Paris.

In view of the fact that such a demonstration has already been resolved upon for May 1, 1890, by the American Federation of Labor at its congress at St. Louis of December, 1888, that point of time shall be fixed as the day for the international demonstration.

The workers of the various nations shall organize this demonstration in a manner suited to the conditions in their country.

Possibilists' congress.—The congress of the Possibilists was attended by a total of 651 delegates, of whom 477 were from France, 42

from England, 35 from Austria, and 66 from Hungary. The English trade-unions sent 17 delegates in defiance of the recommendations of the parliamentary committee. The trade-unions were here more largely represented than at the Marxist congress, 136 French local unions having sent delegates.

At this congress, as at the Marxist congress, international protective labor legislation was the principal subject of the discussions, including especially curtailment of the hours of labor, child and woman labor, night and Sunday work. The resolutions adopted were also similar to those of the Marxist congress. Additional demands were made for double pay for overtime and its limitation to four hours per day, cooperative workshops run by the workers and subsidized by the State or commune, regulation of poorhouse and prison labor and its exploitation for the requirements of the State, determination by the industrial boards of a minimum wage, having regard for cost-of-living conditions of the country, introduction of civil and criminal liability of employers in case of accidents, and old-age and invalidity insurance.

With respect to the form and method of international organization the Possibilist congress was more specific than the Marxist congress. The following resolution was adopted:

1. Permanent relations shall be established between the socialistic organizations of the various countries, but these relations shall in no instance and under no pretense endanger the autonomy of the national groups, as the latter are best fitted to determine the policies to be followed in their own country.

2. All trade-unions and trade federations shall be requested to organize nationally and internationally.

3. The creation of an international journal for the socialistic parties of the various countries, published in several languages, shall be taken under consideration.

4. All organizations shall furnish identification cards to their migrating members so that they may be recognized in all countries by their fellow workers.

5. National commissions shall be created in each country wherever such commissions do not exist; they shall maintain international relations among the trade-unions and in the political field. It shall be the duty of these commissions to receive, translate, and transmit to the interested circles communications on the social and economic conditions of workers sent to them.

Finally the congress resolved that the workers of the individual countries should request their Governments to curb by law all combines and trusts which aim at the monopolization of raw materials and foodstuffs or the exploiting of the workers. The workers were, moreover, urged to oppose the combinations of employers with their own combinations.

CONGRESS OF BRUSSELS, 1891.

The second international labor congress, held at Brussels August 16 to 22, 1891, can rightly claim to have been the first common parlia-

ment of the new social democracy. It represented both trade-unionists and the two factions of socialists. There were present 187 Belgian delegates and a like number of foreign delegates, among whom 65 were from France, 28 from England, and 40 from Germany.

International protective labor legislation again formed the chief subject of the discussions. After the delegates had given an account of conditions in the individual countries a resolution was adopted, expressing disappointment over the insignificant successes achieved by the Berlin conference on labor legislation (see p. 118) and requesting the workers of all countries to continue to make investigations and to communicate to each other the results.

Great differences of opinion arose over the question of international organization. The Belgians and part of the French delegates made the most radical demands. Their plan was to have every nation appoint a committee, these committees to combine into a common organization. They founded their demand on the assertion that the workers must discontinue to be workers of this, that, and the other nation and become workers of the world.

The majority of the French and the English delegates were in accord with the fundamental idea that the international combination of capital must be opposed by one of labor and hence demanded that trade-unions should be founded everywhere and that all workers should join them and work for the abrogation of all laws restricting the right of combination. They wanted, however, to limit the international organization to the establishment of national trade-union secretariats which should interchange reports and thus prepare the next step, the establishment of international trade-union federations. The German delegates declared that their laws would not permit the establishment of an international organization, but on the request of the French delegates consented to vote the creation of national secretariats. Finally the congress adopted the following resolution:

> In view of the present economic conditions and of the aim of the ruling classes of steadily placing on a lower level the political rights and the economic situation of the workers, strikes and boycotts must be considered indispensable weapons for the working class, first for repelling the endeavors of its adversaries directed toward injuring it materially and politically, and secondly for improving as much as possible its social and political situation within the civic society.
>
> But since strikes and boycotts are two-edged weapons, which, if employed at the wrong place and at the wrong time, can harm rather than promote the interests of the working class, the congress recommends to the workers careful consideration of the circumstances under which they intend to make use of these weapons. In particular the congress considers it urgently necessary that for keeping up this struggle the working class should organize into trade-unions so as to be able to attain its aims through the weight of numbers as well as of material means.

Based on this point of view the congress recommends to the workers strong support of the trade-union organizations. Inasmuch as international central organization of the working classes, however desirable such organization would be, is at present made impossible by a number of varied difficulties, the congress resolves to provide the workers in the various countries with a common means for solidarity by recommending that in each country where this is possible a national workmen's secretariat be created in order that whenever a conflict arises between capital and labor the workers of the different nationalities may be notified thereof, so that they may take suitable measures.

At the same time the congress protests against all attempts of Governments and the employers to restrict in any manner the right of combination of the workers. For the safeguarding of the right of combination the congress demands the abrogation of all laws restricting the right of combination and the punishment of those who prevent workers from exercising this right.

With respect to the May-day celebration the congress adopted the following resolution:

In order to preserve to May 1 the specific economic character of the demand for the eight-hour day and of the manifestation of the class struggle the congress resolves:

The first day of May shall be a common holiday of the workers of all countries, on which the workers shall manifest the community of their demands and their solidarity. This holiday shall be a rest day in so far as conditions in the individual countries do not make this impossible.

A motion by a delegate from the Netherlands proposing the military strike as a means for preventing war was rejected, and in its place a resolution condemning militarism was adopted. Further resolutions demanded abolition of piecework and of the sweating system, and the same civil and political rights for women as for men. An invitation to hold the next congress at Chicago was declined and a resolution passed to hold it in Switzerland in 1893.

The Brussels Congress represents some initial progress in bringing about unity among all workers. It emphasized trade-unionism, although some elements in it still favored the general strike and mass action to secure political ends.

CONGRESSES OF ZURICH, 1893, AND OF LONDON, 1896.

The question of the exclusion of the Anarchists and the establishment of an international trade-union policy were the most important subjects dealt with in these two congresses. During the period of serious economic depression which ended in 1896 the Anarchists had been particularly active, but following their expulsion from the London congress in that year the question of their admission to succeeding congresses has not arisen.

At the Congress of Zurich, August 6 to 12, 1893, 296 delegates represented the various trade-union and socialist organizations in England, France, Belgium, Austria, Germany, Italy, and Switzerland. At a preliminary conference held in Brussels earlier in the year an invita-

tion designed to exclude the Anarchists and the German Independent Socialists had been framed, but the Anarchists appeared at the congress, notwithstanding, and had to be forcibly expelled. At the London conference held three years later, July 27 to August 1, 1896, the question of their participation was the subject of violent debates during the sessions of the first three days and resulted finally in a vote, by a large majority, for their exclusion. This congress was the first Socialist and labor congress in which the British trade-unions took part officially. The countries represented besides Great Britain were the United States, Australia, Austria, Belgium, Bohemia, Bulgaria, Denmark, France, Germany, Netherlands, Hungary, Italy, Poland, Portugal, Russia, Roumania, Spain, Sweden, and Switzerland.

The attitude of this and the preceding congress toward the trade-union problem is shown in the following summarization of the resolutions adopted covering this subject.

Although the ultimate socialization of all the means of production, including the land and agencies of distribution, was aimed at, it was considered by the congress that this could be attained only through the organization of the workers into trade-unions, and that as a system of legislative measures was necessary to carry out such a program it was essential that the trade-unions seek to gain political control. National trade-unions and a central trade-union commission to collect statistics about the labor market to assist in effecting a uniform international movement were advocated. It was considered essential that differences in the political views of the workers should not be allowed to interfere with united action in the economic struggle and that education of their members by labor organizations in the truths of social democracy was therefore necessary. Female workers were to be admitted to trade-union membership and the principle of equal pay for equal work established; there was to be no demand on the part of labor for restriction of the immigration of aliens, and every effort should be made to enroll workers coming from other countries as members of trade-unions and to prevent their working for less than trade-union wages. Strikes and boycotts being considered necessary to attain the objects of trade-unions, thorough organization of the working classes was therefore indispensable, and in the case of strikes or boycotts the trade-unions of all countries should assist one another according to their means.

The immediate demands of labor were to be limited to the legal eight-hour day, the abolishment of the sweating system, legislative protection for workers not employed in factories, workships, etc., and recognition of the right of organization of both sexes; while in the near future cooperation of the proletariat to secure abolition of all tariffs, duties on articles of consumption, and export premiums, and

enactment of international factory and labor protection laws would be sought.

The attitude of the congress as embodied in these resolutions was changed and reshaped at the congress held at Stuttgart in 1907. On other economic and social matters the congress reiterated the customary viewpoints.

CONGRESSES OF PARIS, 1900, AND OF AMSTERDAM, 1904.

It had always been the policy of the socialist parties in Europe to withhold cooperation with the other political parties. No compromise with their principles was to be permitted. They were determined upon waging an independent fight with the parties of the so-called bourgeois or propertied classes in the State. Their aim was the conquest through the ballot of political power in the State. Socialist leaders were frequently forbidden to accept administrative offices in the Government. The more moderate wing of the Socialists, however, favored a more opportunist policy of accepting on occasion such crumbs of power as might fall to them. That group became known as the Possibilists or Revisionists. These divisions within the Socialist ranks were the most pronounced in France, and began there as early as 1877.

These differences in point of view within the political ranks of labor formed the principal topics at the congresses of 1900 and 1904. The discussion was precipitated by the acceptance of a position by the Socialist Millerand in the Waldeck-Rousseau ministry in France in 1899. The opposing French parties, the moderates led by Jaurès (1859–1914), the radicals by Guesde (1845–), strove to send as many delegates as possible to the labor congresses. Thus, of 782 delegates at the Congress of Paris (1900), 473 were French, representing 2,080 organizations from France, and 309 were from other countries. At the Congress of Amsterdam (1904) the German delegates took the leadership in raising and contesting the issue.

The 1900 congress accepted a compromise resolution introduced by Kautsky, a German delegate. The entrance of socialists into the cabinets of the other political parties was neither expressly forbidden nor sanctioned. It was considered merely as a temporary expedient, and that it must be approved by the party. In other words, the policy to be followed was left to each national group.

In 1903 a division took place within the ranks of the German party group and the Moderates or Revisionists favored the participation of the party in governmental power. The Revisionists were defeated at the national congress at Dresden and the struggle was transferred to the international congress of 1904. The leading speakers of the International took part in the debate—Bebel, Jaurès, Vandervelde,

Ferrie, Adler, Anseele, and Guesde. Jaurès defended his position in France. He endeavored to prove that it was impossible to use the same political tactics in all countries. There was, he maintained, an essential difference between the political methods to be adopted in a republic and those necessary in an autocracy. He claimed that the very helplessness of the German party was adequate reason for their adoption of an uncompromising and hostile attitude toward the governing and all other parties. On the contrary, the power exercised by the proletariat in a republic forced it to accept a responsible part in government. Pleading for Millerand, he portrayed the advance made in recent years in France toward a system of social legislation, measures for the protection of labor, and the nationalization of public utilities.

Bebel condemned the policy of compromise and proved that the hostile method of his own party had gained for the German workingman a far greater range of social reforms than those existing in France. He showed how in France, under the ministry of which Millerand was a part, the workmen were intimidated and the army used against the strikers in a way never done in Germany. While declaring himself a republican, he maintained that whatever political form of government existed the capitalists gained control of it and used it against the interests of the workers. He did not question that Jaurès and the French Socialists should exert themselves to save the Republic, or to fight with the bourgeois to separate the church from the State, but cooperation with the other parties should be temporary and as soon as the particular battle was over the old uncompromising attitude should be resumed.

Bebel's view was accepted and a resolution based upon that of Dresden was passed by a vote of 25 to 5, 12 not voting. Jaurès, though defeated, remained loyal. He accepted the decision of the congress and submitted to the discipline of the Socialist movement. The attitude of the workers toward the general strike was discussed and defined by the action of both these congresses. The congress of 1900 had reaffirmed the London resolution of 1896 condemning the general strike, but the congress of 1904 partially abandoned that policy. By a vote of 36 to 4 the congress declared the general strike to be impracticable, but admitted that a strike extending over important branches of industry or over a large number of establishments could be used in extreme circumstances for bringing about important social changes or resisting reactionary attacks upon the rights of labor.

The 1900 congress passed an important resolution in the matter of the minimum wage, although the views of the delegates upon the problem greatly diverged.

The congress declares that the determining of a minimum wage is only possible if this determination is effected through strong trade-unions, and further that a general and equal wage rate for all countries can not be determined, and that in any case such a rate must be fixed on the broadest basis in relation to the minimum necessary for existence. The workers shall be bound to urge the realization of this reform and to devise ways and means for the carrying out of it which correspond to the economic and industrial as well as to the political and administrative situation in each region. In order to achieve this result, the congress recommends in the first place that pressure be brought to bear upon the State power and those public administrations which are in a position to introduce a minimum wage, that they shall directly pay a minimum wage at all public works and that they shall obligate contractors to whom public works are awarded to do likewise.

The customary points of view of the movement were reaffirmed in a series of resolutions supporting socialization, the class struggle, May-day protests, antimilitarism, and universal peace. More purely trade-union resolutions were also passed, demanding public employment offices, the eight-hour day, and improved conditions of work for seamen and transport workers.

CONGRESS OF STUTTGART, 1907.

This congress was attended by 884 delegates, of whom 289 were from Germany, 128 from Great Britain, 78 from France, 75 from Austria, 41 from Bohemia, 25 from Hungary, 30 from Poland, 21 from Switzerland, 27 from Belgium, 19 from Sweden, 17 from Denmark, 13 from Italy, and 22 from the United States; the Russian Social Democracy was represented by 39 delegates, and the Russian Social Revolutionists by 24. The remaining delegates were from Holland, Spain, Bulgaria, Serbia, Roumania, Norway, Finland, Argentina, Australia, Japan, and South Africa.

Three important decisions marked the proceedings of this congress—(1) Fixing the method of internal organization; (2) determination of attitude on trade-unionism; (3) drafting of an immigration policy, a matter which had been left over from the preceding congress.

The voting at Amsterdam on the compromise policies had shown that the usual form of voting, according to which each nation had two votes, was unjust, for it gave to small nations as much influence upon resolutions of the congresses as to large nations. The congress, therefore, decided to accept the plan proposed by the International Socialist Bureau, under which each nation voted according to its importance in the political labor movement. The plan adopted is part of the present form of international organization (see p. 36).

The discussion of the immigration problem led to considerable differences of opinion. In the committee appointed for its preliminary discussion the views of those in favor of unlimited freedom of migra-

tion were in direct opposition to the views of those who were in favor of restrictions, especially against the Asiatic races. When at the plenary meeting the discussion was closed after brief debate, the British delegates protested against this procedure and did not vote. The voting resulted in the adoption of a resolution, which demanded the exclusion only of unorganized workers and contract laborers. Restrictions along racial lines were condemned.

The most important problem discussed by the congress was that of the relation of the trade-unions to the political parties. In most countries the trade-unions maintain the closest relations with social democrats; in a few, Great Britain, France, and the United States, this is not the case, and even in those countries in which the relations of the trade-unions and social democrats were originally close, the tendency is now toward separation. The disputes which had taken place between the two groups in France, Belgium, and the United States were chiefly responsible for the appearance of this problem on the program. Although an attempt was made by a number of delegates, especially by the representatives of the American Socialist Party and of the American Industrial Workers of the World, to win over the congress to a declaration discrediting tendencies of neutrality and demanding that the trade-unions must have a socialistic character, it miscarried entirely, and the following resolution was adopted by 212½ to 18½ votes:

1. The political and economic struggle of the laboring class is equally necessary for the complete deliverance of the proletariat from the bonds of intellectual, political, and economic servitude. While the task of the Socialist Party organization comes predominantly within the sphere of the political struggle of the proletariat, that of the trade-union organization comes chiefly within the sphere of the economic struggle of the laboring class. Thus the party and the trade-unions have equally important tasks in the struggle for the emancipation of the proletariat. Each of the two organizations has been assigned a sphere of duties characteristic to its nature, and within this sphere it may act with full independence. But in addition there exists a steadily growing field of proletarian class struggle in which success can only be achieved through concerted cooperation of the party organization and the trade-union organization. The more cordial the relations between party organizations and trade-union organizations, whereby centralized trade-union action is always to be kept in view, the more successful and favorable will be the struggle of the proletariat.

The congress goes on record as considering it in the interest of the working class that cordial relations be established and maintained in all countries between the party and the trade-unions. The party and the trade-unions shall give moral support and aid to each other, and in their struggles they shall only make use of such means as are apt to be of aid in the struggle of the proletariat for liberty. If differences of opinion arise as to the suitability of methods used they shall discuss these differences and come to an agreement. The trade-unions can only fulfill their tasks in the struggle for the emancipation of the workers if they let themselves be guided in their actions by the socialistic spirit. It is the duty of the party to support the trade-unions in their endeavors for uplift and improving the social condition of the workers and through its

parliamentary action to assist the demands and endeavors of the trade-unions.

The congress declares that the progress of the capitalistic system of production, the increasing concentration of the means of production, the growing tendency of the employers to combine, the increasing dependence of the individual industrial establishments upon the entirety of civic society would condemn trade-union activity to impotence if it is solely built up upon taking care of the interests of fellow workers in a trade, upon the basis of corporate egoism, and upon the theory of the harmony of interests of capital and labor.

The congress is of the opinion that the trade-unions will be much the more successful in their struggle against oppression and exploitation, the more uniform their organization, the better their relief institutions, the larger their funds essential for the trade-union struggle, the deeper the insight of their members into the connections and conditions of economic life and the greater their readiness to make sacrifices and the greater their enthusiasm, all of which are principally inspired by the socialistic ideal.

2. The congress invites all trade-unions which fulfill the requirements established by the conference of 1899 at Brussels and approved by the Paris congress of 1900, to send delegates to the international congresses and to maintain relations with the International Socialist Bureau at Brussels. The congress charges the latter with entering into relations with the International Trade-Union Secretariat at Berlin for the purpose of exchange of information as to the organization and movement of the workers.

3. The congress charges the International Socialist Bureau with the collecting of all documents which may facilitate the study of the relations between the trade-unions and the Socialist parties of all countries and with reporting thereon to the next congress.

The minority consisted of the American delegates and a few Italian and French delegates. The majority of the latter did not vote. The German delegates voted with the majority. They were outvoted when the question arose as to whether the credentials of the delegates of the German Independent Socialists and of the locally organized trade-unions should or should not be approved. The congress voted for their admission.

CONGRESS OF COPENHAGEN, 1910.

This is the latest regular congress of the international socialist movement, so that the acts and resolutions of this congress constitute the most recent official declaration of the movement before the war. The special congress of 1912 was limited in its scope to an attempt of the socialist groups of workingmen to throw their influence into the scale for peace during the Balkan War.

The Copenhagen congress came in a period of great prosperity. It was characterized by comparative moderation, the Revisionist or Possibilist element of the socialist movement being in control. Problems of economic reform, protective labor legislation, insurance, cooperation, trade-unionism, and the like, were uppermost. The more controverted subjects of disarmament and direct economic action to secure political ends were compromised. Maintenance of international unity was sought, though involving heated debates, through a

policy of moderation which had received its impetus at the preceding congress of Stuttgart in 1907. The congress of Copenhagen was an unusually large one, being attended by 896 delegates, representing 23 nations as follows: Argentina, Austria, Armenia (Turkish), Belgium, Bulgaria, Bohemia, Denmark, Great Britain, France, Finland, Germany, Hungary, Italy, Norway, Netherlands, Poland, Russia, Roumania, Spain, Sweden, Switzerland, Serbia, United States.

The first problem for discussion was that of unemployment insurance. Two fundamental views were arrayed against each other. One of these advocated State relief of the unemployed, while the other held that it is a suitable task for the trade-unions to take care of the unemployed with the aid of State subsidies. The resolution adopted by the congress did not solve this main problem and was restricted to demanding a compulsory unemployment insurance at the cost of the owners of the means of production and under the sole administration of the workers; it being added that as long as this is not realized public authorities should promote the corresponding institutions of the trade-unions, without restricting their independence. As other means for relieving unemployment, unemployment statistics, emergency public works at union wages, employment bureaus, and shortening of the hours of labor were designated. The resolution was adopted unanimously, although the British delegates protested against its adoption because it did not recognize the right to work. For this reason they, as well as several French and American delegates, did not vote.

There entered also into this discussion the national problem confronting the Austrian trade-union movement, which had become very urgent, since the Czechs demanded the same separation in the trade-union movement as had been allowed them by the splitting of the Social Democratic Party into national groups. The executive committee of the Austrian trade-unions had energetically combated such a split and the creation of Czech trade-unions with a special central organization had been designated by it as greatly detrimental to the movement. This point of view was approved by all the other nations and a resolution adopted with 222 votes to 5, which disapproved the procedure of the Czechs.

On this occasion also the British trade-unions were severely censured for not having complied with their duty of international solidarity during the Swedish general strike. A resolution emphasized the necessity of mutual support during labor disputes.

The discussion of the relation of the economic and political labor movement to cooperative societies split the congress into three groups. The French delegates condemned the entire cooperative movement on the ground that only the middle class profited from it. In contrast to this view the Belgian and Dutch delegates contended that the

cooperative movement was of the greatest importance for the proletariat and demanded the closest relations between this movement and social democracy. Lastly, the German delegates took the point of view that although the cooperative societies were an important factor within the labor movement they must be operated independently and not under the control of the party. The discussions in the committee on cooperative societies were very animated and terminated in the adoption of a compromise resolution, which was also passed by the congress. The resolution emphasized the great importance and value of cooperative societies and recommended that politically organized workers and trade-union members join such societies, but left it to the individual countries to decide whether and to what extent direct mutual support should take place.

Fundamentally important differences of view manifested themselves in the discussion of the problem of "world peace, demobilization, and peace tribunals." All delegates were in accord in condemning war, but the motion of Vaillant and Keir Hardie that the workers should prevent war by means of a general strike encountered strong opposition on the part of the German and Austrian delegates. A resolution was finally agreed upon which condemned war and demanded demobilization, but assigned the above more far-reaching motion to the International Bureau with instructions that it be discussed and reported upon at the next congress, to be held at Vienna in 1913.

SPECIAL CONGRESS OF BASEL, 1912.

The congress at Copenhagen had occupied itself theoretically with the problem of world peace. The Balkan War, which broke out in the fall of 1912 and threatened to involve the great powers and thus to develop into a world war, gave occasion for a practical consideration of this problem. The proletariat made an attempt to throw its influence into the scale in favor of peace. The International Socialist Secretariat convened on November 12, 1912, and resolved to convoke an extraordinary international congress, which was held at Basel on the 24th and 25th of the same month and was attended by 530 delegates, representing 23 countries.

A resolution unanimously adopted laid stress on the unanimity of the Socialist parties and trade-unions of all countries in condemning the war. It protested against the endeavor of Austria to rob Serbia of the fruits of her victory and to reduce her to an Austrian colony, as well as against the attempt to bring Albania within the sphere of influence of Austria and Italy, and likewise against the attempts of Russia to set herself up as the guardian of all Balkan nations. The artificially nurtured difference—so declared—between England and Germany, which could be settled by agreement, was designated as the

chief cause of danger. The resolution requested the Socialists of all countries, but particularly those of the countries most interested, to prevent by all possible means any breach of peace.

CONCLUSION.

The political phase of the international labor movement, as stated previously, developed into what is known as socialism. Beginning with the efforts of English and French workers to improve their working conditions, it gradually passed into a movement to change the principles underlying the present organization of society. This is still the theory of those members of the labor movement who have guided and participated in the international congresses. Two forces whose development was not foreseen at the inception of the movement have done much to change the practice, if not the doctrines, of international socialism. The discussions and resolutions of the congresses, for instance that of Copenhagen, 1910, now deal almost wholly with the problems of reform through labor legislation and trade-union action. The larger political questions of the ballot, disarmament, and universal peace are less prominent than the economic questions of trade-union organization, cooperation, and wealth distribution. Less reliance is being placed on the control of industry through the political subversion of the present order and more on its control through factory and social insurance legislation, coupled with trade-union action. The political labor movement has gradually become more closely associated with the trade-union movement, which is described in the next chapter.

CHAPTER IV.—INTERNATIONAL TRADE-UNION MOVEMENT.[1]

International trade-unionism as a distinct and separate movement developed somewhat more tardily than the international political labor movement, partly because it was at first incorporated with the political movement, and partly because of the general prevalence of laws against organization which were in force in most European countries until well into the nineteenth century. Of recent years, approximately since 1900, international trade-unionism and the international political labor movement have formally maintained separate organizations. Yet it is true that in many countries the leaders are the same in both groups, and the political theories of the members of both groups are, on the whole, identical. Practically all trade-unionists in Europe are voting members of the Social Democratic parties and groups. Many of the present international federations, it may be observed, hold their international gatherings at the same time and place as do the international socialist and labor congresses. The political movement has probably shown fewer divisions within its ranks in the past than the economic labor movement, in which religious and racial differences have been a source of weakness. The real vigor of the international labor movement is, in fact, concentrated in the international political movement described in Chapter III and is centered in the International Socialist Bureau at Brussels.

Three early congresses organized and attended by trade-unionists of varied political complexion were those of 1888, 1897, and 1900. These gatherings of 1888 and 1900 may be said to represent the first purely trade-union congresses, except for the conference of 1886 at Paris (see p. 49), summoned on the occasion of the first industrial exposition by French trade-union organizations which had always held themselves more or less aloof from political labor agitation. The congress of 1888 at London (see p. 49) was called by the British trade-unionists.

The Congress of Zurich of 1897 was arranged by the Swiss workers' unions. It was not a trade-union congress in the sense of being called

[1] The principal sources of this chapter are the (1) International Reports of the Trades-Union Movement, 1902–1912, Berlin, 1903–1913; (2) Organization Ouvrière Internationale, Brussels (1913), 250 pp. (Office central, des Associations Internationales, Publication No. 40); (3) Année Sociale Internationale, 1913–14, 4me Année, Reims, Action Populaire, 1914, 1,235 pp; (4) Official journals and reports of conferences of the various international craft organizations; (5) Kuleman, W.: Die Berufsvereine, Berlin, 1913, vol. 6.

to discuss trade-union problems. It was rather a trade-union effort to further labor legislation, and was in many ways similar to the Congress of Paris of 1900, which was more directly a part of the movement for international labor legislation (see p. 68). Years of political agitation and violent revolutionary activity had brought small benefits to the workingman in Europe. A new promise was now held forth in the possibilities of labor legislation. The acceptance of a program of reform legislation on the part of the various Governments of Europe may have been dictated by the unrest of the period of the sixties, seventies, and eighties, but at any rate the depression of the early nineties again showed the need of further ameliorative measures on behalf of the workers. To this period belong the first steps in international trade-union organization as it is understood to-day. In this period also the first tentative steps were taken by the European Governments toward the formulation of international labor conventions. Before 1900, students and publicists, convinced of the need for greater social control in the economic relations of men, had come into the field independently with a view to bringing pressure to bear upon those in authority for enacting the necessary measures of reform. The 20 years from 1885 to 1905 were culminating years in the international labor movement. During these years it grew to official recognition and sanction.

CONGRESS OF ZURICH, 1897.[1]

As the result of a resolution passed at the Swiss National Labor Congress held at Bienne, April 3, 1893, the executive committee of the Swiss Workers' League, composed of workingmen's organizations regardless of political and denominational lines, was instructed to call a congress to consider the question of labor legislation. This congress was to be open to all working-class organizations and clubs, irrespective of their political and religious views. It was stipulated that all participants should accept the principle of the intervention of the State in the control of industry. No discussion would be permitted as to whether State interference is just, necessary, or urgent, but only such as dealt with the amount of labor legislation desirable and the means of securing it.

It was proposed to call the congress for August, 1894. The appeal was not favorably received, and the committee did not care to take the risk of an unsuccessful congress. It decided, therefore, merely to continue agitation for such a congress.

Two years passed before further steps in this direction were taken. Early in 1896 the committee addressed inquiries to the larger labor organizations of the different countries. In the spring of 1897 it

[1] Internationaler Kongress für Arbeitehschutz in Zurich, 23–28 August, 1897; Amtlicher Bericht des Organisationskomitees, Zurich, 1898.

became apparent that a congress could be assembled. The organization committee was enlarged and on April 4, 1897, sent out a call for a congress to the workers of the various countries. Favorable replies were received from political economists and students as to participation in the congress which was finally held August 23–28, 1897.

Little support was secured from France on account of the existing difficulties and hostilities between various party groups, no members of which were able to find a middle ground on which they were willing to participate in the congress.

At the request of several foreign labor organizations and for the purpose of avoiding jealousy between different nationalities and parties, the Swiss committee appointed Swiss members holding diverse views to introduce questions for discussion. Similarly, a standing-orders committee, was appointed, composed of Swiss members holding various shades of opinion.

The membership of the congress shows that the principal groups of delegates consisted of Social Democrats and Christian Socialists, with a small group of so-called neutrals, altogether there were 391 accredited delegates; that is, 202 Social Democrats, 133 Christian Socialists, and 56 nonpartisan. These represented 15 countries, as follows:

Country.	Delegates.			Total.
	Social Democratic.	Christian Socialist.	Nonpartisan.	
Austria	11	10	.....	21
Belgium	9	4	3	16
France	2	4	.....	6
Germany	21	45	.....	66
Great Britain	5	.....	5	10
Holland	1	.....	.....	1
Hungary	2	.....	1	3
Italy	4	5	.....	9
Luxemburg	.....	.....	2	2
Poland	4	1	.....	5
Russia	4	.....	.....	4
Spain	.....	1	.....	1
Sweden	1	.....	.....	1
Switzerland	138	63	44	245
United States	.....	.....	1	1
Total	202	133	56	391

The original members of the congress consisted of (1) delegates of associations, the majority of whose members consisted of wage earners, and representatives of labor and public bodies, irrespective of whether they were wage earners or not; (2) private persons specially invited to take part in the deliberations.

The subjects arranged for discussion by the congress were: Sunday labor, employment of children and young persons, women in industry, adult male labor, night work and work in unhealthy industries,

and methods for securing protective labor legislation. The program closely resembled that of the diplomatic Berlin conference of 1890 (pp. 116–118).

The resolutions adopted by the congress declared for Sunday rest, a Saturday half holiday for women workers, an age limit for child labor fixed at 15 years, an 8-hour day for all workers, a 44-hour week for women workers, reduction in use of injurious substances in manufacture, prohibition of night work with exceptions, prohibition of home work, provision for eight weeks' leave at confinement periods and payment of compensation during that time, and equal pay for equal work. The principal discussions also considered other than the above points on which unanimity was secured in the shape of resolutions. There was the suggestion that women inspectors be employed in establishments where women work. It was asked that official recognition be given to the officers of labor organizations; that the right of employees of both sexes and all classes to organize be respected, with violation of the same made punishable; that universal suffrage, equal, direct, and secret, be introduced in electing delegates to all representative bodies, so as to enhance the real influence of the labor class in all parliaments; that active propaganda be carried on by trade-unions and political organizations through such instrumentalities as conferences, publications, conventions, journals, and, most important of all, the action of parliaments; and, finally, that international congresses be periodically organized to present to different parliaments concurrently proposals of the same law.

The congress requested the Swiss Federal Council to prosecute its scheme for an international labor office, the organization and functions of which were outlined by Theodor Curti, a Swiss state councilor.

CONGRESS OF PARIS, 1900.

The plans for the Congress of Paris, September 17–19, 1900, originated with the Confédération Générale du Travail and the Fédération des Bourses du Travail, a federation of local labor councils as distinguished from a federation of trades or crafts.

In order to avoid duplication of effort a common committee was appointed, which was instructed to organize two separate congresses, one for trade organizations and their federations and the other for the Bourses du Travail. Invitations were issued for this purpose. But as labor councils of the type of the so-called bourses du travail existed in but a few countries outside of France only the trade-union congress was ever convened. France, England, Sweden, Norway, Belgium, Italy, and Switzerland were represented by delegates. The executive of the German Federation of Labor held that the congress could not accomplish anything different in the way of intercommuni-

cation and exchange of ideas from what was being done by the international Socialist congress convening at the same time and place. He believed that if the congress were to consider the matter of accepting fixed principles and these only as bearing upon purely economic action, the case would be different, but even for that the time was not ripe. He declined the invitation.

The most important subject up for discussion was the creation of an international secretariat, but as the delegates declared that they had no authority to vote for binding resolutions no tangible results were achieved. On the question of the general strike views differed greatly, the French, Belgian, and Italian delegates favoring it, while the Swiss delegates opposed it, and the British delegates declared that they had not yet considered the question. A resolution approving the general strike was, however, finally adopted. The congress was unanimous as to the necessity of a curtailment of the hours of labor and went on record as approving the May-day celebration. As to the value of cooperative societies the views were greatly at variance.

EXTENT OF INTERNATIONAL TRADE-UNION MOVEMENT.

International trade-union organization is extremely complex. The same cross currents of organization are found in the international grouping of the unions as characterize the national organizations. Primarily created to serve economic ends, to represent the interests of their members in their relations as employees, unions in Europe have, nevertheless, arranged themselves along other lines of classification. Political, religious, and racial lines cut across the economic field. There are Catholic trade-unions, and there are evangelical trade-unions; there are German unions and Czech unions in the same trades within the same industrial districts. There are Socialist and anti-Socialist unions.

The principal organization representing labor on an international scale is the International Federation of Trade-Unions, formerly known as the International Secretariat of the National Trade-Union Centers, the present name having been adopted in 1913. This organization includes the various federations of labor in the different countries, e. g., the American Federation of Labor in the United States, as well as national federations of single trades, such as the International Federation of Textile Workers. The total number of trade-union members affiliated with the international organization is given by the International Federation as 7,394,461 in 1912. It was 6,900,995 in 1911. This does not, of course, represent the total trade-union membership in the 19 affiliated countries. In 1912 this latter membership was reported as as 12,368,103, as compared with 11,435,498 in 1911.

The following table shows the change in membership of the international trade-union movement from 1908 to 1912:

MEMBERSHIP OF ALL TRADE-UNIONS AFFILIATED TO INTERNATIONAL FEDERATION OF TRADE-UNIONS.

[Source: Tenth International Report of the Trades-Union Movement. 1912. Berlin, 1913, p. 14.]

Country.	1908	1909	1910	1911	1912	Increase in 1912 over 1911.	
						Number.	Per cent.
Austria	482,279	415,256	400,565	421,905	428,363	6,458	1.53
Belgium	67,412	73,361	68,984	77,224	116,082	38,858	50.32
Bosnia-Herzegovina	3,117	3,690	6,086	5,587	5,522	[1] 65	[1] 1.16
Croatia-Slavonia	.....	4,198	5,108	7,182	5,538	[1] 1,644	[1] 22.89
Denmark	97,231	98,643	101,563	105,269	107,067	1,798	1.71
Finland	24,009	19,928	15,346	19,640	20,989	1,349	6.87
France	294,918	357,764	340,000	450,000	387,000	[1] 63,000	[1] 14.00
Germany	1,831,731	1,832,667	2,017,298	2,339,785	[2] 2,553,162	213,377	9.12
Great Britain	700,937	703,091	710,994	861,482	874,281	12,799	1.49
Hungary	102,054	85,266	86,478	95,180	111,966	16,786	17.64
Italy	337,092	359,383	359,383	384,446	320,912	[1] 63,534	[1] 16.53
Netherlands	36,893	40,628	44,120	52,235	61,535	9,300	17.80
Norway	47,212	43,570	46,397	53,475	60,975	7,500	14.03
Roumania	.....	8,515	8,515	6,000	9,708	3,708	61.80
Serbia	3,238	4,462	7,418	8,337	5,000	[1] 3,337	[1] 40.03
Spain	44,912	43,562	49,984	89,000	100,000	20,000	25.00
Sweden	169,776	108,079	85,176	80,129	85,522	5,393	6.73
Switzerland	67,248	66,174	63,863	78,119	86,313	8,194	10.49
United States	.....	1,588,000	1,710,433	1,775,000	2,054,526	279,526	15.75

[1] Decrease. [2] Including newly established unions of agricultural workers and domestic servants.

The data above include the membership of the individual craft organizations which are part of the International Federation. The table following shows separately the date of international organization and the membership of the 32 independent trade federations affiliated to the International Federation of Labor as given in its latest annual report[1] before the war.

The figures showing the extent of the international trade-union movement do not include those international federations organized along denominational lines. The most important of such federations is the Textile Christian International, which numbered 76,000 members in 1912. No data are available to show the extent of the denominational international trade-union movement. It is known in a general way that it is not very extensive or important internationally.

Practically all of the international federations have their headquarters in Germany and are dominated by German trade-union influence and methods. The two exceptions are the miners and the textile workers, who are dominated by British influence. The American unions have taken no very active part in the international trade-union movement aside from the affiliation of the American Federation of Labor to the International Federation of Trade-Unions. The most notable exception is the affiliation of the International Seamen's Union of America and the International Longshoremen's Association of America with the International Transport Workers' Federation.

[1] Tenth International Report of the Trades-Union Movement, 1912. Berlin, 1913, p. 250.

DATE OF ORGANIZATION AND MEMBERSHIP OF THIRTY-TWO INTERNATIONAL TRADE FEDERATIONS, 1912.

Trade designation.	Year of organization.[1]	Headquarters.	National federations.			Local unions.			Total number of affiliated members.		
			Number of unions.	Number of countries.	Membership.	Number.	Number of countries.	Membership.	Males.	Females.	Total.
Bakers and confectioners	1907	Hamburg, Germany	16	13	68,681				62,301	6,380	68,681
Barbers, hairdressers	1907	Berlin, Germany	4	4	4,850				4,850		4,850
Bookbinders	1907	do	13	13	49,906	1	1	(2)	26,897	23,009	49,906
Boot, shoe, and leather workers	1896	Nuremberg, Germany	13	13	105,600				(2)	(2)	105,600
Brewery workers	1910	Berlin, Germany	9	9	130,892						
Building trades workers	1907	Hamburg, Germany									
Butchers, slaughter men, etc		Berlin, Germany									
Carpenters	1903	Hamburg, Germany	6	6	83,863				83,863		83,863
Commercial clerks	1910	Amsterdam, Holland									
Diamond workers	1895	Antwerp, Belgium	1	1	9,850	10	6	5,362	15,212		15,212
Factory workers	1907	Hanover, Germany	8	8	298,001				267,711	30,290	298,001
Fur workers	1894	Berlin, Germany									
Glass workers	1884–1886	do	14	14	29,020	2	2	210	29,230		29,230
Hatters	1896	Altenburg, Germany	15	15	32,913				21,867	11,046	32,913
Hotel and restaurant workers	1908	Berlin, Germany	6	6	18,504	5	4	2,025	19,320	1,209	20,529
Lithographers	1896	do	20	15	35,923				35,923		35,923
Metal workers	1893	Stuttgart, Germany	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	1,106,003
Miners	1905	Manchester, England									
Painters	1911	Hamburg, Germany	10	10	72,074				72,074		72,074
Pavers	1904	Berlin, Germany	8	8	(2)	2	2	357	(2)	(2)	(2)
Potters	1894	do	6	6	15,974	2	2	140	(2)	(2)	16,114
Printers, compositors	1893	Stuttgart, Germany	18	18	[3] 137,451				[3] 137,451		[3] 137,451
Saddlers	1906	Berlin, Germany	6	5	20,119				18,875	1,244	20,119
State and municipal work	1907	do	10	9	72,025				70,002	2,023	72,025
Stone workers	1903	Zurich, Switzerland	[4] 16	[4] 16	[4] 75,000				[4] 75,000		[4] 75,000
Tailors	1896	Berlin, Germany									
Textile workers	1895	Manchester, England									
Tobacco workers	1890	Bremen, Germany									
Transport workers	1893	Berlin, Germany	43	17	875,256	7	4	6,694	(2)	(2)	881,950
Wood workers	1891	do	39	20	[5] 393,125	2	2	230	(2)	(2)	[5] 393,355

[1] Compiled from various sources.
[2] Not reported.
[3] No details are at hand in the case of the Bulgarian Typographers' Federation, which numbers 300 to 400 members.
[4] In 5 countries the stone workers belong to the building workers' union.
[5] The number of members is missing in the case of 5 federations.

INTERNATIONAL TRADE-UNION ORGANIZATION.

Two aspects of the international trade-union movement should be distinguished. There is, as already noted, the international organization of separate crafts and the union of these organizations in an International Trades Secretariat, and, second, there is an organization, through an international body, of the trade-union federations which are made up of various trades and crafts of the different nations. The central office of this organization is termed the International Secretariat. These two forms of international trade-union organizations are modeled after the national organizations which have their local unions, and national federations, which have their district federations of craft unions; that is to say, organization takes place along lines of geography and of trade; it is both functional and territorial.

International Secretariat.—The International Secretariat of the International Federation of Labor was established in 1901 following a conference in Copenhagen in connection with a Scandinavian labor congress in August of that year. It is comprised of trade-unions without distinction as to trade. The secretariat was located at Berlin. During the war it was temporarily transferred to Amsterdam, where it has now been permanently located by action of the first international conference after the war, held in that city, August, 1919. Its activities include the most general questions of interest to all workers in their trades. Its activities include gathering all manner of information regarding the trade-union movement in every country, and organizing conferences of international trade-unionists for the purpose of discussing important problems and for making decisions which give the movement coherence and uniformity.

Congresses of the kind in question have been held at Copenhagen in 1901, Stuttgart in 1902, Dublin 1903, Amsterdam 1905, Christiania 1907, Paris 1909, and Budapest 1911. Before the war national federation of all trades existed in Argentina, Australia, Austria, Belgium, Bosnia, Bulgaria, Croatia, Denmark, Finland, France, Germany, Great Britain, Herzegovina, Hungary, Italy, Japan, Netherlands, New Zealand, Norway, Roumania, Serbia, South Africa, Spain, Sweden, Switzerland, and the United States. The federations in four of these countries, Argentina, Australia, Bulgaria, and Japan, are not affiliated to the International Secretariat.

INTERNATIONAL TRADE-UNION CONFERENCES.

The earliest international relations which existed among the trade-unions of Europe and the British Isles were maintained through the creation of bureaus of communication and through interchange of information on trade-union matters of common interest. The earliest and commonest form of intercommunication developed through the

sending of visiting delegates to national conventions held in different countries. But even before the adoption of a formal scheme of organization, informal meetings were held which finally developed into regular conferences.

CONFERENCES OF SEPARATE TRADES.

The various separate trade federations—the miners, printers, textile workers, transport workers, etc.—met in international groups even before the federations of all trades had become thoroughly organized within their own national boundaries; but not until 1913 did the representatives of international offices of the various trades meet in conference.

The principal activities of the separate trade federations have consisted in the formulation of purely trade-union policies, particularly the maintenance of international strike or mutual benefit funds. The discussions of the conferences have been industrial rather than political, although in addition to affecting their immediate trade-union interests some of the craft conferences have concerned themselves with problems of general social and political organization.

TRANSPORT WORKERS.

July 1, 1913, 50 organizations were affiliated to the International Federation of Transport Workers having 881,950 members in 18 countries. The American unions affiliated are the International Longshoremen's Association of America and the International Seamen's Union of America. The countries represented are Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany, Great Britain, Hungary, Italy, Netherlands, Portugal, Roumania, Norway, Spain, Sweden, Switzerland, and the United States.

The purpose of the federation is "to protect and to assure the development of the interests, material and ideal, of transport workers on sea and land."

The federation is directed by a central committee composed of five persons representing, respectively, (1) railroad workers, (2) dockers, (3) seamen, (4) employees in hauling and transportation, and (5) engineers and boatmen.

The first three of these groups from the basis of the organization and prior to amalgamation had separate and independent, though discontinuous, existence. The international meetings of these groups have been more or less irregular but have been held usually at the same times and places.

The first group to organize on an international scale was that of the railroad workers, who gathered at Zurich in 1893 and drew up a scheme of international organization representing railwaymen in

Austria, England, France, Italy, Netherlands, and Switzerland. Subsequent meetings were held at Paris in 1894 and at Milan in 1895. The longshoremen and other harbor workers held their first international meeting at London in 1896 and organized an International Federation of Ship, Dock, and River Workers. Representatives of seamen were more or less loosely associated in this effort of the longshoremen. A formal congress was called for the next year—February 24, 25, 26, 1897. Representatives of railway organizations were also present at this congress, so it has come to be recognized as the first international congress of transport workers. The organization continued on a restricted basis only for a year and in 1898 changed its name to that of International Federation of Transport Workers to signify its enlarged scope. In 1900, when the second congress was held at Paris, representatives of other transport workers and of railway men attended.

The seamen held their first independent conference in London in 1902, although, as noted, representatives of seamen's organizations in various countries were associated with the longshoremen and dockers. The second conference of seamen was held in connection with the international congress of all transport workers at Vienna in 1908 and at Copenhagen in 1910. At the last-named date the seamen became more intimately a part of the international transport workers' organization and were represented on the central governing body of the organization as marine advisers.

International congress of transport workers, combining all workers, since the formation of the federation, have been held at the following dates and places: London, 1897; Paris, 1900; Stockholm, 1902; Amsterdam, 1904; Milan, 1906; Vienna, 1908; Copenhagen, 1910; and London, 1913. The British unions were the leaders in the movement up to 1904, since which date the leadership has been in the German and Scandinavian organizations.

The transport workers as a body favor the eight-hour day and advocate the nationalization of the railroads and the means of production.

MINERS.

Organized in 1890, the International Federation of Miners held annual conventions up to 1913. It had before the war a membership of about 1,373,000. Its congresses have served almost exclusively as media for the exchange of ideas and for personal contact. The British miners have dominated the congresses because of their large membership. Other nations prominent in the organization have been Germany, France, and Belgium. Delegates from the United States, from the Western Federation of Miners, attended for the first time in 1904. The countries at present represented in the international organization are Austria, Belgium, Germany, France, Great Britain,

Netherlands, and the United States. At the congress at Carlsbad, Germany, in 1913, 148 delegates from these countries attended. The 72 British delegates represented 603,000 miners, and the 2 American delegates represented 500,000. Congresses of miners have been held as follows:

INTERNATIONAL CONGRESSES OF MINERS.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
First	1890	Jolimont	111	Belgium, Great Britain, France, Germany, Austria.
Second	1891	Paris	99	Do.
Third	1892	London	79	Do.
Fourth	1893	Paris	63	Do.
Fifth	1894	Berlin	86	Do.
Sixth	1895	Paris	50	Do.
Seventh	1896	Aachen	57	Do.
Eighth	1897	London	68	Belgium, Great Britain, France, Germany.
Ninth	1898	Vienna	61	England, Austria, France, Belgium, Sweden.
Tenth	1899	Brussels	47	England, Belgium, France, Germany, Austria.
Eleventh	1900	Paris	74	England, Belgium, France, Germany.
Twelfth	1901	London	.....	England, France, Belgium.
Thirteenth	1902	Lille	.....	
Fourteenth	1903	Brussels	.....	Belgium, Great Britain, France, Germany, Austria.
Fifteenth	1904	Paris	.....	Belgium, Great Britain, France, Germany, Austria, United States.
Sixteenth	1905	Liege	.....	
Seventeenth	1906	London	.....	
Eighteenth	1907	Salzburg	.....	
Nineteenth	1908	Paris	.....	
Twentieth	1909	Berlin	.....	
Twenty-first	1910	Brussels	.....	Germany, England, France, Belgium, Holland, Bulgaria.
Twenty-second	1911	London	.....	England, France, Belgium, Germany, Austria, Holland, Sweden.
Twenty-third	1912	Amsterdam	93	England, Germany, United States, France, Belgium, Holland.
Twenty-fourth	1913	Carlsbad	148	Great Britain, United States, Germany, France Belgium, Austria, Netherlands.

The permanent international secretariat of the federation is located in Great Britain. Voting at the congresses is in proportion to membership except in committees, where it is by nation. Traveling members of the federation are given freely exchangeable clearance cards.

The eight-hour day has been the principal object of the endeavors of the federation. The most serious differences within the organization have arisen in connection with the methods to be used in securing the eight-hour day. The radicals have favored a general international strike as against independent national action by the strike or ballot box.

The latest congress (in 1913) demanded (1) the legal eight-hour day from bank to bank; (2) inspectors from the ranks of labor and paid by the State; (3) a minimum wage; (4) prohibition of the employment of women in mines; (5) prohibition of the employment of children under 16 in underground work (English and French delegates did not vote on this point on the ground of lack of instructions); (6) provision of bathhouses at workings; (7) adequate accident compensation and old-age and widows' pensions; (8) regular annual leave with pay; (9) nationalization of all mines. "The International

Miners' Congress has repeatedly expressed itself for the maintenance of peace among the nations." A French proposal for an international strike in case of war was rejected at the 1907 congress at Salzburg.

METAL WORKERS.

The International Federation of Metal Workers, next to the International Miners' Federation is one of the strongest of the international organizations of labor. The first congress of metal workers met in Zurich in 1893 at the same time as the International Socialist Congress of that year. Twenty-eight delegates were present, from the United States, Austria, Belgium, England, France, Germany, Switzerland, and Hungary. At this meeting an international metal-workers' bureau of information, with a confidential agent in each country represented, was established. Provision was also made for uniform reporting of statistics concerning metal workers, the issuing of a periodical in French, German, and English, universal clearance cards, and travel benefits. None of these plans was effectively carried out for some years. Not until 1900 was a definite scheme adopted for the establishment of a metal workers' international federation, and this was drafted by the German delegates. Difficulties within the federation have absorbed most of the efforts of the organization. Its principal work has been that of distributing information and conducting propaganda. The organization has been controlled from Germany.

The membership of the organization before the war was 1,106,000. Seven international congresses have been held. The 12 countries represented at the latest congress (Berlin, 1913), were Austria, Belgium, Denmark, England, France, Germany, Hungary, Italy, Netherlands, Norway, Sweden, and Switzerland. The congresses have been as follows:

INTERNATIONAL CONGRESSES OF METAL WORKERS.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
First	1893	Zurich	27	Switzerland, Germany, Austria, France, United States, Belgium, England, and Hungary.
Second	1896	London	25	United States, Germany, Austria, Switzerland, Belgium, Italy, Denmark, Sweden, France, England.
Third	1900	Paris	31	Germany, France, England, Austria, Belgium, Denmark, Switzerland,
Fourth	1904	Amsterdam		England, Germany, France, Belgium, Holland, Sweden, Denmark, Norway, Austria, Hungary, Switzerland.
Fifth	1907	Brussels	50	United States, Belgium, Denmark, Germany, France, Great Britain, Holland, Norway, Austria, Sweden, Switzerland, Hungary.
Sixth	1910	Birmingham	75	Belgium, Bulgaria, Denmark, Germany, England, Finland, France, Norway, Austria, Sweden, Switzerland, Serbia, Hungary.
Seventh	1913	Berlin	85	Austria, Belgium, Denmark, France, Germany, Great Britain, Hungary, Italy, Netherlands, Norway, Sweden, Switzerland.

The resolutions of the metal workers' congresses are of no general interest. This is one of the organizations which has confined itself exclusively to discussion of purely trade-union tactics and methods, which include the prevention of the importation of strike breakers, travel benefits, maintenance of a defense fund, and exchange of union data. United action could not be secured even on the question of taking steps to introduce "an international six-day working week in continuous industries." Replies to inquiries by the secretariat showed that English members thought the matter best dealt with by national action, and American organizations sent no reply.

WOODWORKERS.

These were among the earliest of the workers to organize internationally. A conference of representatives of the trade was held in Brussels in 1891 on the occasion of the International Socialist and Labor Congress of that year. The organization was of little significance. A second conference convened in 1893 at Zurich, also in connection with the Socialist Congress. The headquarters of the secretariat was moved from Brussels to Stuttgart. The organization had a shadowy existence for several years. The national unions were weak. In 1904 at the time of the International Socialist Congress at Amsterdam the organization became active. Delegates from 17 national federations in 11 countries—Austria, Belgium, Denmark, England, France, Germany, Hungary, Italy, Netherlands, Serbia, and Sweden—met in a congress.

Since then the organization has grown rapidly, having 393,000 members at the beginning of 1913. It is represented in 20 countries. International meetings have been held in Stuttgart (1907) and Copenhagen (1910), both in connection with the Socialist congresses.

The proceedings of the congresses have dealt principally with matters of trade-union agitation and problems of travel and employment benefit funds, the establishment of which is recommended to the national organizations. No action has yet been taken as repects the issue of universal clearance cards.

OTHER TRADES.

The other internationally organized trades devote most of their energies to the maintenance of trade-union standards, mutual benefit funds and international strike assistance. The movement has had no great strength or solidarity. Its function has been one of communication and exchange of ideas almost exclusively. Differences in national organization have presented great difficulties. All the affiliated unions in a trade are not of the same type. Some are not real fighting trade-unions, but merely benefit societies, and, as already noted, political and denominational lines interfere at times. The congresses

of these various trades and the countries represented in the international organizations are given in the series of tabular statements following:

INTERNATIONAL CONGRESSES OF SPECIFIED TRADES, BY DATES AND PLACES OF MEETING AND COUNTRIES REPRESENTED.

Bakers and Confectioners.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
First	1907	Stuttgart	.....	Great Britain, Germany, Austria, Sweden, Italy, Switzerland.
Second	1910	Copenhagen	19	Germany, Austria, Sweden, Denmark, Norway, Switzerland.

Bookbinders.

First	1907	Stuttgart	.....	Germany, Austria, Hungary, Belgium, Denmark, Sweden, Norway, Switzerland.
Second	1910	Erfurt	11	Belgium, Denmark, Germany, Norway, Austria, Sweden, Switzerland, Hungary, France.
Third	1913	Brussels	25	Belgium, Denmark, Germany, France, Great Britain and Ireland, Netherlands, Italy, Norway, Austria, Sweden, Switzerland, Hungary.

Boot and Shoe and Leather Workers.

First	1893	Zurich	26	Denmark, Germany, Great Britain, Austria, Switzerland, Hungary, France.
Second	1897	Brussels	13	Germany, Austria, Hungary, Bohemia, Switzerland, Belgium.
Third	1907	Stuttgart	32	Germany, Austria, Hungary, Bohemia, England, Denmark, Sweden, Norway, Switzerland.
Fourth	1910	Copenhagen	[1] 27	Germany, Hungary, Bulgaria, Norway, Sweden, Denmark, Austria, Serbia, Switzerland.
Fifth	1913	Vienna	[2]	[2]

Building Trades.

First[3]	1903	Berlin	[2]	Denmark, Sweden, Norway, Holland, Switzerland, Italy, Hungary, Austria, Germany.
Second[4]	1907	Stuttgart	33	United States, Germany, Belgium, Denmark, Finland, Holland, Sweden, Hungary, Italy, Norway, Austria, Russian Poland, Switzerland.
Third[5]	1910	Copenhagen	23	Denmark, Norway, Sweden, Germany, Holland, Belgium, France, Italy, Switzerland, Austria, Hungary, Finland, Bosnia, Croatia.
Fourth	1913	Vienna	[2]	[2]

Carpenters.

First	1903	Berlin	[2]	Denmark, Holland, Austria, Bohemia.
Second	1907	Cologne	[2]	Denmark, Germany, Holland, Austria, Switzerland, Hungary.

[1] Includes the secretary.
[2] No report available.
[3] Includes only bricklayers.
[4] Known as the International Congress of Bricklayers and Building Trades Organizations.
[5] Building trades, including bricklayers.

INTERNATIONAL CONGRESSES OF SPECIFIED TRADES, ETC.—Continued.

Commercial Employees.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
First	1904	Amsterdam	8	Germany, Austria, Italy, and Holland.
Second	1907	Stuttgart	[1]	[1]
Third	1910	Copenhagen	[1]	Germany, Austria, England, Hungary, Holland, Bulgaria, Bosnia, Herzegovina.

Diamond Workers.

First	1889	Paris	[1]	[1]
Second	1890	Charleville	[1]	[1]
Third	1894	Antwerp	[1]	[1]
Fourth	1895	Amsterdam	39	Holland, Belgium, Germany, Switzerland.
Fifth	1897	Antwerp	48	Holland, Belgium, France, England, Holland, Switzerland.
Sixth	1905	Paris	[1]	Holland, Belgium, France, Switzerland, United States.
Seventh	1907	St. Cloud	[1]	
Eighth	1910	Amsterdam	37	Germany, Belgium, United States, France, Great Britain, Holland, Switzerland.
Ninth	1913	Antwerp	[1]	

Factory Workers.

First	1907	Stuttgart	[1]	Austria, Sweden, Norway, Denmark, Germany.
Second	1910	Copenhagen	[1]	Bulgaria, Denmark, Norway, Sweden, Austria, Germany.

Furriers.

First	1894	Brussels	[1]	Belgium, France, Great Britain, Germany, Austria, Hungary.
Second	1902	Hamburg	[2] 15	Germany, Belgium, France, England, Austria.
Third	1906	Leipzig	12	Belgium, France, Austria, Hungary, Germany, Great Britain, Switzerland.
Fourth	1909	Brussels	16	Belgium, France, Austria, Hungary, Germany, Great Britain, Denmark, Holland, Italy, Switzerland.
Fifth	1912	Vienna	[3] 11	Germany, Austria, Hungary, Belgium, France, Switzerland.

Glass Workers.

First [4]	1886	London	[1]	England, Scotland, Ireland.
Second	1891	London	19	Denmark, Germany, France, England.
Third	1892	London	26	England, Denmark, Germany, France.
Fourth	1893	London	21	England, Denmark, France.
Fifth	1894	Paris	48	France, England, Germany, Denmark, Spain.
Sixth	1896	London	17	England, Holland, Denmark, Germany.
Seventh	1898	London	26	England, Germany, Austria, Belgium, Denmark.
Eighth	1901	Hanover	28	England, Germany, Austria, Denmark, Switzerland.
Ninth	1908	Paris	18	England, France, Germany, Belgium, Holland, Austria, Italy, Spain, Denmark, Sweden, Switzerland, United States, Argentina, Brazil.
Tenth	1911	Berlin		England, France, Germany, Austria, Hungary, Belgium, Holland, Denmark, Sweden, Italy, United States.

Hairdressers.

First	1907	Stuttgart	7	Germany, France, Austria, Hungary, Switzerland.
Second	1911	Zurich	6	Germany, Austria, Switzerland, France, England.

[1] No report available.
[2] Secretary and delegates without voting power included.
[3] Secretary included.
[4] Another source gives the first congress as of 1884 (April).

INTERNATIONAL CONGRESSES OF SPECIFIED TRADES, ETC.—Continued.

Hatters.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
	1889	Paris	(1)	(1)
	1891	Brussels	(1)	(1)
First	1893	Zurich [2]	17	Germany, France, Austria, Italy, Hungary, Switzerland.
Second	1896	London	12	England, France, Germany, Austria.
Third	1900	Paris	7	France, Italy, Germany, Austria, Roumania.
Fourth	1903	Brussels	17	Austria, Hungary, England, Italy, Belgium, Spain, Roumania, Denmark, Switzerland, Brazil, France, Germany.
Fifth	1906	Frankfort	(1)	
Sixth	1909	Vienna	17	Belgium, Denmark, Germany, England, France, Sweden, Norway, Finland, Italy, Austria, Russia, Switzerland, Hungary.
Seventh	1912	Milan	15	Germany, Belgium, France, Switzerland, Russia, Scandinavia, Spain, Portugal, Italy.

Hotel, Restaurant, and Café Workers.

First	1908	Berlin	18	Germany, Italy, Austria, Hungary, France, Denmark, England.
Second	1911	Amsterdam	20	Belgium, Denmark, Germany, England, France, Argentina, Holland, Italy, Austria, Hungary, Serbia, Roumania.

Lithographers.

First	1896	London	26	Germany, England, France, Austria, Switzerland, Italy, Portugal.
Second	1898	Bern	17	Germany, England, France, Italy, Switzerland.
Third	1900	Paris	19	England, Germany, France, Italy, Belgium, Denmark, Spain, Switzerland.
Fourth	1902	Berlin	14	
Fifth	1904	Milan	(1)	(1)
Sixth	1907	Copenhagen	(1)	Germany, Austria, France, England, Denmark, Holland, Belgium, Hungary, Norway, Sweden, Italy, Switzerland, United States.
Seventh	1910	Amsterdam	19	

[1] No report available.

Federation of Office Employees and Clerks.

First	1900	Paris	(1)	(1)
Second	1903	Brussels	(1)	(1)
Third	1906	London	(1)	(1)
Fourth	1909	Geneva	(1)	(1)
Fifth	1912	The Hague	(1)	(1)

Painters.

First	1911	Zurich	13	Italy, France, United States, Germany, Austria, Switzerland, Denmark, Holland, Sweden,

Potters.

First	1894	Gorlitz	(1)	Denmark, Austria, Hungary, Bohemia, Germany.
Second	1907	Berlin	(1)	Bulgaria, Germany, Austria, Hungary, Sweden.

[1] No report available. [2] International union founded.

INTERNATIONAL CONGRESSES OF SPECIFIED TRADES, ETC.—Continued.

Printers.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
First.....	1887	Paris.....	(1)	Spain, Italy, Austria, Belgium, Switzerland, Germany, England, Hungary, Norway, Denmark, France, United States.
Second...	1892	Bern.....	(1)	Switzerland, Germany, England, France, Austria, Norway, Hungary, Belgium, Italy, Roumania, Holland, Luxemburg, Denmark.
Third....	1896	Geneva.....	(1)	Germany, Austria, Hungary, France, Italy, Denmark, Holland, Switzerland, Norway, Luxemburg, Bulgaria.
Fourth...	1901	Lucerne.....	(1)	Germany, Switzerland, Italy, Belgium, Holland, Luxemburg, Denmark, Sweden, Norway, Hungary.
Fifth.....	1907	Paris.....	(1)	Germany, France, Austria, Hungary, Switzerland, Italy, Belgium, Denmark, Sweden, Norway, Serbia, Bulgaria.
Sixth....	1912	Stuttgart.....	(1)	Germany, Austria, Italy, France, Hungary, Switzerland, Belgium, Sweden, Denmark, Norway, Finland, Roumania, Croatia, Serbia, Bosnia, Luxemburg.

Workers in Public Services.

First.....	1907	Stuttgart.....	17	Denmark, Germany, Holland, Sweden, Switzerland, Hungary.
Second...	1910	Copenhagen...	30	Denmark, Germany, Luxemburg, Sweden, Switzerland, Bohemia, Holland.
Third....	1913	Zurich.....	29	Belgium, Bohemia, Denmark, Germany, England, France, Holland, Luxemburg, Sweden, Switzerland.

Saddlers.

First.....	1906	Dresden.....	(1)	Germany, Austria, Hungary, Scandinavia, Belgium, Switzerland.
Second...	1909	Cologne.....	16	Germany, Austria, Hungary, Scandinavia, Belgium, England, France.
Third....	1913	Vienna.....	(1)	Germany, Austria, Hungary, Scandinavia, Belgium, France.

Stone Workers.

First.....	1898	Wurzburg.....	(1)	Germany, Sweden, Bohemia.
Second...	1903	Zurich.....	16	Germany, Switzerland, Belgium, Italy, France, Sweden, Austria, Hungary.
Third....	1908	Cassel.....	(1)	Germany, Belgium, Austria, Sweden, Hungary, Spain, Switzerland, Norway, Netherlands, Denmark, Serbia.

Tailors.

First.....	1893	Zurich.....	20	Germany, Austria, Hungary, Great Britain, Switzerland, Belgium.
Second...	1896	London.....	28	Germany, Great Britain, France, Switzerland, United States, Belgium.
Third....	1900	Paris.....	(1)	Great Britain, France, Germany, Austria, Hungary, Switzerland.
Fourth...	1904	Dresden.....	(1)	
Fifth.....	1908	Frankfort on on the Main.	28	Germany, Great Britain, Netherlands, Denmark, Austria, Hungary, Switzerland, United States.
Sixth....	1913	Vienna.....	(1)	Denmark, England, Germany, France, Holland, Austria, Switzerland, Serbia, Bulgaria, Hungary, United States.[2]

[1] No report available.

[2] Ladies' garment workers.

INTERNATIONAL CONGRESSES OF SPECIFIED TRADES, ETC.—Concluded.

Textile Workers.

Congress.	Date.	Place.	Number of delegates.	Countries represented.
First	1894	Manchester	54	England, France, Belgium, United States, Austria, Denmark, Holland.
Second	1895	Ghent	47	Great Britain, Belgium, France, Germany, Austria.
Third	1897	Roubaix	84	Great Britain, France, Germany, Belgium, Austria, Holland.
Fourth	1900	Berlin	(1)	Great Britain, France, Germany, Belgium, Austria, Russia.
Fifth	1902	Zurich	69	Great Britain, France, Germany, Belgium, Holland, Austria, Italy, Switzerland.
Sixth	1905	Milan	86	Eight countries.
Seventh	1908	Vienna	92	
Eighth	1911	Amsterdam	83	England, Germany, Austria, France, Denmark, Belgium, Switzerland, Holland.

Tobacco Workers.

First	1890	Antwerp	25	Belgium, Holland, Great Britain, and Germany.
Second	1892	Amsterdam	(1)	Belgium, Holland, Denmark, Sweden, Norway, Germany, Switzerland.
Third	1894	Basel	(1)	Belgium, Holland, Luxemburg, Denmark, Germany, and Switzerland.
Fourth	1896	London	(1)	Belgium, Holland, Great Britain, Germany, Denmark, Switzerland, Luxemburg.
Fifth	1900	Paris	(1)	France, Belgium, Holland, Luxemburg, Denmark, Great Britain.
Sixth	1904	Amsterdam	(1)	Belgium, Holland, Luxemburg, Great Britain, Denmark, Sweden, and Germany.
Seventh	1907	Stuttgart	(1)	Austria, Switzerland, Great Britain, Germany, Belgium, Holland, Denmark, Sweden.
Eighth	1910	Copenhagen	15	Belgium, Holland, Denmark, Sweden, Great Britain, Germany, and Bulgaria.
Ninth	1913	Vienna	(1)	(1)

Typographical Trades.

First	1889	Paris	(1)	Spain, Italy, Austria, Belgium, Switzerland, Germany, Great Britain, Hungary, Norway, Denmark, France, United States.
Second	1892	Bern	(1)	Switzerland, Germany, Alsace-Lorraine, Great Britain, France, Austria, Hungary, Belgium, Italy, Roumania, Holland, Luxemburg, Denmark, Norway.
Third	1896	Geneva	(1)	Germany, Austria, Hungary, France, Italy, Denmark, Holland, Switzerland, Norway, Alsace-Lorraine, Luxemburg, Bulgaria.
Fourth	1901	Lucerne	20	Germany, Alsace-Lorraine, Austria, Hungary, Dalmatia, Italy, Belgium, Holland, Denmark, Norway, Sweden, Luxemburg, Switzerland, Croatia.
(2)	1903	Strassburg	(1)	
Fifth	1907	Paris	29	Germany, Austria, France, Hungary, Switzerland, Croatia, Serbia, Bulgaria, Italy, Luxemburg, Belgium, Denmark, Norway, Sweden, Portugal, England, Scotland.
Sixth	1912	Stuttgart	24	Switzerland, Germany, Austria, Hungary, Croatia, Serbia, Bulgaria, Bosnia, Herzegovina, Italy, France, Luxemburg, Belgium, Denmark, Norway, Sweden, Finland, England, South Africa.

[1] No report available.

[2] Conference.—Not numbered in report.

CHAPTER V.—SEMIPUBLIC AND PRIVATE ASSOCIATIONS AND CONGRESSES.

Bridging the gap between the partisan agitation and aims of the political and trade-union labor movements and governmental action eventuating in labor laws and treaties stand the international organizations of students and workers in the field of labor reform and legislation. It is only in recent years that such organizations have assumed any importance in the movement. They represent the interest of the public at large in the international labor movement.

The members of this class of associations are principally economists, social workers, and governmental administrators. The parties involved in the adjustments of labor legislation, the worker and the employer, have not taken part as representatives of their respective groups. The attempt, for instance, to make the first congress for the discussion of labor legislation held by disinterested reformers (Congress of Brussels, September, 1897) represent in its make-up official trade-union elements proved a failure. The trade-union groups preferred to hold their own gathering (Congress of Zurich, August, 1897). Whether on the whole it would conduce to the effectiveness of the congresses and associations, whether it would give greater weight to their recommendations to have the parties in conflict represented as such in their organizations is a moot question. Certainly the representation of these interests in the make-up of these bodies would lend color to the belief that the members understand the points of view of the conflicting groups and that their recommendations embody the ultimate compromises of such groups.

The various semipublic and private international organizations whose activities are described in these pages include the following:[1]

International Federation for the Observance of Sunday.

International Association on Unemployment.

Permanent International Committee of Social Insurance.

International Association for Labor Legislation.

Permanent International Commission for the Study of Occupational Diseases.

International Home Work Bureau.

[1] The International Association for the Protection of Native Labor has been omitted by reason of its waning importance and the International Housing and Town Planning Association is not considered because of its highly specialized character and the indirect relation which it bears to labor control.

CONGRESS OF BRUSSELS, 1897.[1]

The first nonofficial and nonlabor conference was the Congress for International Labor Legislation which met at Brussels, September 27–30, 1897. A Belgian committee had been formed more than a year and a half before this meeting for the purpose of organizing the congress and had attempted, without success, to bring about its union with the international labor congress held at Zurich a month earlier. The Swiss Congress was organized on the basis of representation of labor groups while the Belgian Congress was open to all classes. Exponents of various schools of thought as well as governmental representatives, manufacturers, and men in administrative positions were represented at the Brussels conference and many of the former delegates to the Berlin Conference of 1890 were present. An attempt was made by part of the German press to give the conference an official character and to make it appear as a continuation of the Berlin Conference. The deliberations of the congress were interpreted as indicating an approaching agreement between the different Governments based upon the decisions reached at Berlin or at least a closer agreement upon certain points in the regulations laid down at that conference. The French and Belgian press, on the other hand, ridiculed the congress for its failure to achieve definite results and the German press for attempting to cover the real failure of the meeting. These two sets of opinions represent the extremes and probably both fail to present a true picture of the situation. In view of the fact that the Berlin Conference was of an official character, having the power to pass resolutions and prepare plans looking toward diplomatic agreements, and that the Brussels Conference on the other hand had no official status in spite of the attendance of men who were delegates at the previous conference, it is impossible to consider it as a continuation of the previous meeting. Its main object was to determine how much had been accomplished in the matter of labor legislation in the different countries since the Conference of Berlin, and to decide upon the best plans for bringing the labor legislation of the various countries into agreement and for improving existing laws.

Fifteen countries were represented among the delegates—Austria, Belgium, Brazil, France, Germany, Great Britain, Holland, Hungary, Luxemburg, Portugal, Roumania, Russia, Spain, Sweden, and the United States.

The honorary president of the congress was the Duke of Ursel, Belgian senator, and the presidents were Harze and Linder. All of

[1] Congrès international de legislation du travail tenu à Bruxelles du 27 au 30 Sept., 1897. Rapports et compte rendu analytique des séances publiés par le Bureau de la commission d'organisation. Brussels, 1898. xxxii, 741 pp. Le droit international ouvrier, E. Mahaim, pp. 211–213. L'office international du travail. Son organisation et son but, Dr. Etienne Bauer, p. 7. Revue du droit public et de la science politique. Paris, 1897. Vol. 8, No. 2, pp. 559–565.

them were former delegates to the Berlin Conference and represented Belgium and France. Other delegates of note were Charles Gide and Yves Guyot of France, Lujo Brentano of Germany, Eugen von Phillippovich of Austria, W. F. Willoughby and C. D. Wright of the United States, Raffalovich of Russia, H. Llewellyn Smith of Great Britain, and the secretary, Ernest Mahaim of Belgium. Among others attending were Maurice Belom, France, prominently identified with accident insurance matters, and Baron von Berlepsch, former president of the Berlin Conference of 1890.

While the conference conformed strictly to its rules and confined itself to debate upon the program, passing no resolutions, it had a decided influence upon the subsequent development of international labor legislation. It occasioned the production of a noteworthy monograph upon legislative principles in force, and centered the attention of economists of all parties upon international phases of the labor movement. It also called forth the proposal from Mr. Henrotte, Belgian chief of labor inspection, for the suppression of industrial poisons by international agreement and the suggestion that a trial of such legislation might conveniently be made by the international prohibition of the use of white lead and phosphorus.

That the establishment of an international labor office would be of great service seemed to be the universal sentiment of the delegates, although only one delegate strongly advocated the establishment of an official international bureau. "The congress plainly manifested its preference for the organization of a private office which the Governments would not hesitate to support when its working should have furnished the decisive proof of its usefulness and of the services it is called upon to render."[1] The proposal meeting with the greatest favor among the delegates was that of a bureau modeled after the "permanent committee on labor accidents and social insurance" founded at Paris in 1889, and although the conference closed without having passed a resolution on the subject, many of the members met at its close in order to again take up the question of forming a permanent committee. A committee of three under the chairmanship of the Duke of Ursel undertook to prepare the way for the establishment of an international labor association representative of all parties interested in the adequate protection of labor, and for this purpose drafted a tentative constitution and by-laws for such an organization. It also lent its aid to the collection of copies of protective labor laws and regulations in force, with the result that, toward the close of 1898, there appeared Volume I of the Belgian publication Annuaire de la législation du travail, covering in French the labor laws promulgated

[1] Pic, Paul: Revue du droit public et de la science politique. Paris, 1898, vol. 8, No. 2, p. 565.

in the year 1897. Among the prominent supporters of this undertaking was Mr. Nyssens, Belgian Minister of Industry.

In 1899 Baron von Berlepsch, to whom the plan of an international association on labor legislation was familiar, met with German economists and men familiar with politics, in Berlin, to consider the proposition and examine the tentative constitution submitted by the committee. The constitution outlined was generally approved and twenty individuals were delegated to enter into relations with other nations for the creation of other committees in furtherance of the project.

An Austrian committee having the same object met at Vienna in May, 1899, under the direction of von Phillippovich, and a fourth committee, under the presidency of Colonel Frey, formed at Bern, in July, 1900, the "Swiss Association for the Development of International Labor Protection."

The principles stated in the constitution proposed by the German committee were closely adhered to in the organization of a labor section in France, which infused more life into the movement by summoning interested parties to another international labor congress at the time of the Paris Exposition of 1900. In the same year the French Minister of Commerce, Mr. Millerand, made an unsuccessful attempt to bring about with Belgium negotiations on labor legislation. The incident reveals the status of governmental cooperation in matters pertaining to labor at this stage of the movement.

The program of discussion was interrogatory following in this respect the program prepared originally by the Swiss for the international conference projected by them and later abandoned to give place to the conference of Berlin. This program asked for information concerning the evolution and modification of labor legislation in the various countries subsequent to the Conference of Berlin, inquired regarding the situation of the different industrial States with reference to certain resolutions of that conference, and put various other questions, as to whether international labor protection is possible and desirable, and if so, in what measure and under what form; what regulation, if any, should obtain with reference to small industry and home industries; what would be the utility and desirability of the concurrent adoption by all industrial States of the regulations imposed upon dangerous industries by part of them, and found salutary in effect; what the appropriate means of insuring the better execution of protective labor laws and what the laws governing the duties of labor inspectors; and what the desirability of establishing international reports by labor offices and the compilation of labor statistics international in scope.

CONGRESS OF PARIS, 1900.

The congress of Paris (July 25–29, 1900) was organized through the efforts of Professors Cauwes and Jay from the membership of the four committees which were formed, following the Brussels Congress of 1897, described above, for the purpose of promoting the establishment of an international association for the protection of labor. The purpose of the congress was not to undertake a new discussion of the principle of intervention by law in labor contracts as this subject had been thoroughly gone into at the Brussels Conference, but rather to discuss the ways and means by which this intervention could be brought about, since it was generally agreed that the duties as well as the interests of the nations required international legislation for labor protection. The chief agency needed to achieve this result, it was felt, was the creation of an international labor office, which was advocated at Brussels in 1897. This idea had taken firm hold since that time and important national groups having as their object the formation of such an association had been formed.

The condition attached to participation in the Congress was the same as that laid down by the Trade-Union Congress of Zurich, three years earlier (pp. 66 to 68), which stipulated the recognition of the principle of the right of the States to interfere in protecting labor. Delegates were sent by the following States: Netherlands, Russia, United States, Austria, Belgium, and Mexico.

Among the leaders present were such men as Baron von Berlepsch, former Minister of Commerce, Germany; Leon Bourgeois, deputy, Chamber of Deputies, France; Prof. Lujo Brentano, of the University of Munich; Adolfo Alvarez Buylla, professor of law at the University of Oviedo, Spain; John B. Clark, Columbia University; Hector Denis, University of Brussels, member French Chamber of Deputies; Paul Deschanel, president French Chamber of Deputies, Paris; Emile Durkheim, of the University of Bordeaux; Richard T. Ely, University of Wisconsin; Achille Loria, University of Padua; Ernest Mahaim, University of Liege; Lucien March, Census Division, Office of Labor, Paris; Georges von Mayr, University of Munich; Nyssens, former Minister of Labor, Belgium; von Phillippovich, University of Vienna; Paul Pic, University of Lyon; H. Scherrer, president of the Congress of Zurich, 1897; Gustave Schmoller, University of Berlin; Jules Siegfried, former Minister of Commerce, France; Werner Sombart, University of Breslau; M. W. F. Treub, director of the Centraal Bureau vor Sociale Adviesen, Amsterdam; E. Vandervelde, Chamber of Deputies, Belgium; Emile Waxweiller, chief of the Office of Labor, Belgium; Sidney Webb, London; Beatrice Webb, London; Carroll D. Wright, Department of Labor, Washington.

No papers were read by the American delegates nor did they take part in the discussions, but Mr. W. F. Willoughby was a member of the committee appointed to draft the constitution of the International Association for Labor Legislation.

The representative from Italy, Signor Luzzatti, uttered on this occasion a significant declaration[1] with reference to labor conditions in his country:

> I come from a country where industry is only just beginning to develop. I should be thankful if you could, by means of a compelle intrare, give us an impetus in the direction of progress. I should be thankful if you could give to Italian workmen by international legislation that protection which national legislation does not afford them.
>
> Decisive results can only be attained by way of international legislation. I have often urged the prohibition of night work in cotton mills; the reply has always been: Willingly, but first let it be introduced in the neighboring States which compete with us. Try to bring it about by way of international legislation.
>
> I have no doubts that in future, together with, or indeed supplementary to, our commercial treaties, we shall have labor treaties. In such treaties, we shall include provisions tending to level up conditions of exchange.
>
> Finally, I feel I must give my opinion that all our attempts will remain as a thing incomplete if we are not capable of quickening them with the warmth of human solidarity. Especially in the realm of social questions one is continually constrained to think of the beautiful saying that really fruitful thoughts always spring from the heart.

The work outlined for the congress consisted of the consideration of four things—the legal limitation of the length of the workday, the prohibition of night work, the inspection of labor, and the formation of a union or international association for the legal protection of labor. In the discussions it was denied that any expectation was entertained of realizing by international agreement a Utopia of complete unification of protective law; it was rather expected that greater similarity of such laws would gradually evolve. As to the determination of a maximum workday it was declared that the consensus of opinion of past congresses seemed to favor a period of 11 hours conditional on its gradual reduction to 10 hours; nightwork, with the usual reservations, was condemned; labor inspection was defined as an essential institution, capable of further development with respect to the establishment of permanent relations between its offices in different countries, and of augmentation, notably by the addition of penalties, the specialization of functions, and the inclusion of inspectors representative of the rank and file of labor.

The creation of an official international office was opposed as conducive to complications under the excessive burden of responsibility which would be imposed by the superintendence of political, indus-

[1] Congrés international pour la protection légale des travailleurs, tenu, à Paris, Le Musée Social du 25 au 28 juillet, 1900. Rapports et compte rendu analytique des séances, Paris, 1901, p. 488.

trial, and commercial relations of international consequence; but a private office being deemed permissible and desirable, the matter was settled by providing for the formation of the International Association for Labor Legislation.

INTERNATIONAL ASSOCIATION FOR LABOR LEGISLATION.[1]

The International Labor Office was established at Basel, May 1, 1901. The idea of establishing such an office originated in Switzerland, and was an outgrowth of the agitation for labor regulation through international agreements, which at the time of formation of the association had extended over a period of 25 years. Although these efforts at international regulation began in 1876, it was not until 1889 that the definite proposal to form an international labor office for the purpose of receiving and transmitting reports in regard to carrying out international conventions, of studying the development of labor legislation, and of publishing the results of these studies, was made before the Swiss Federal Council. This and subsequent proposals along the same line which were brought before the Berlin conference of 1890 (see p. 118), and which, as has been seen, were also advocated by the Zurich and Brussels conferences of 1897 and by other labor conferences, failed to produce immediate results. In a message of January 16, 1897, the Swiss Federal Council declared that one great power and one State of lesser importance were in favor of creating such a bureau, and that two other States were not opposed in principle but believed the time was not opportune for such a move, while the other States for various reasons were either opposed to it or undecided. This opposition was reflected in the deliberations of the Congress of Brussels at which the final decision favored a privately created international labor office, which would in the course of time, as it showed its value, become semiofficial in character and receive recognition and aid from the different Governments. It was believed also by the delegates to this conference that a labor office formed in this way, while it could not enact obligatory regulations, would nevertheless have such influence upon public opinion that it could determine future governmental policy to a greater extent than would be possible if it were hampered in its liberty of action by the necessity of each Government giving consideration to the responsibilities it was assuming.

A conference of the four committees which were formed to consider this question following the Brussels conference was called to

[1] The principal sources are the publications of the association and its national branches; also, L'Association internationale pour la protection légale des travailleurs, par Maurice Alfassa (in Révue politique et parlementaire, Paris, Nov. 10, 1904); The international labor office in Basel, by Stephan Bauer (in Economic Journal, London, 1903, vol. 13, pp. 438–443; L'Office international du travail, son organization et son but, Zurich, 1901, 30 pp.)

meet at Paris during the Paris Exposition of 1900. The by-laws of the International Association drawn up by Ernest Mahaim and presented by the Belgian committee were adopted at this meeting and a secretary and a temporary committee appointed.

The association itself is composed of all persons and societies adhering to the objects of the association and paying the annual dues of 10 francs ($1.93), and is under the direction of a committee composed of members from the various countries which have been admitted to representation, as provided in article 7 of the constitution. The bureau or governing board of the labor office, consisting of a president, a vice president, and a general secretary, is selected from among the members of the association and performs its executive functions. The office is located at Basel, Switzerland.

The office work is performed by a director, who is the general secretary of the association and is appointed by the international committee, an assistant secretary, a clerk, and a translator, each appointed by the bureau, and occasional help employed by the director.

The office being semiofficial in character is supported in part by contributions voted by some of the countries represented in the association. While 25 countries have established national branches of the International Association only 19 contributed public funds to its support in 1913. Seven conferences have been held by the association, the latest in Zurich in 1912, in which official representatives of 22 countries participated.

GENERAL MEETINGS OF THE DELEGATES—INTERNATIONAL ASSOCIATION FOR LABOR LEGISLATION.[1]

Number.	Place.	Date.	Official representation.		National sections representation.			Total number of delegates.
			Number of Governments.	Number of Government delegates.	Number of national sections.	Number of delegates.	Number having voting right.	
First	Basel	1901	4	4	7	35	35	39
Second	Cologne	1902	11	21	[2]12	44	42	65
Third	Basel	1904	10	15	[2]11	40	33	55
Fourth	Geneva	1906	10	13	[2]16	65	59	78
Fifth	Lucerne	1908	14	24	[2]16	73	61	97
Sixth	Lugano	1910	13	25	[2]16	90	70	115
Seventh	Zurich	1912	22	47	[2]24	118	83	165

[1] Compiled from the original reports of the meetings. These figures have been ascertained by a careful counting of the lists of delegates given in the reports. They do not agree in every case with the tabulated statement made up by the office itself and printed in the report of the seventh delegates' meeting.
[2] Including delegates representing the Holy See.

The work of the International Association for Labor Legislation may be described as international cooperation in the collection and publication of the labor laws of all countries, in the investigation of industrial conditions and the study of industrial problems, and in the formulation of legislation based on such investigation and study.

The association works not only through its international conferences, which are held biennially, but continuously through its central organization, the International Labor Office at Basel, Switzerland, and its affiliated national sections. Its most important activity is the publication of a buletin, which is normally a monthly publication, though actually several months are usually run into one issue, in German, French, and English. The bulletin contains the text of new labor laws, together with a record of legislative proceedings and the changes in administrative methods.

The lines of its work are determined primarily at its biennial meetings, where representatives of all the national sections take part. The plans of its investigations are worked out by the International Labor Office. It is the function of the international office, working through the various sections, to amass and classify information. This it does by calling upon the sections to draw up reports. These reports furnish the basis of discussion and action at the biennial meetings, and supply a most valuable body of information in regard to industrial conditions in the important industrial countries.

The range of subjects to which the association has already given attention has been deliberately limited because of the belief that effective results could thus more readily be secured. Discussion of three subjects before the association has already resulted in international treaties. These are prohibition of the night work of women; prohibition of the use of white phosphorus in the manufacture of matches; and insurance of workmen against accidents.

The other leading subjects of study and action on the part of the association have been regulation of the employment of children; prohibition of the night work of young persons; regulation of the use of industrial poisons, especially lead; administration of labor laws and factory inspection; legal limitations of the working day.

FIRST DELEGATES' MEETING, BASEL, SEPTEMBER 27, 28, 1901.[1]

The work of organization as outlined above was completed by the first delegates' meeting of national sections. This first meeting is known as the "Constituent Assembly of the International Association for Labor Legislation." Delegates attended from seven countries—Austria, Belgium, France, Germany, Italy, Netherlands, and Switzerland, in which national sections had been constituted. Four countries—France, Italy, Netherlands, and Switzerland—sent official representatives.

A careful study of the proceedings of these meetings reveals the fact that in their resolutions and discussions were laid the foundations for important labor laws which have since been adopted by

[1] Summaries of the general meetings of the delegates are given in La protectional internationale ouviere, par L. Chatelain, Paris, 1908, pp. 94–139.

the several nations. The now fairly general acceptance of the principle of the equal treatment of foreigners and citizens in the social insurance laws of a country may be cited as an example. Another subject touched upon in the discussion of certain of the delegates and destined to assume larger proportions in later years, was that of regulating the recruiting of young Italian emigrant laborers, which was an evil particularly prevalent in France.

SECOND DELEGATES' MEETING, COLOGNE, SEPTEMBER 23, 24, 1902.

The next year the second delegates' meeting of the association was held at Cologne. Forty-four delegates sent by 12 national sections, besides 21 official representatives of 11 European powers, constituted an attendance that was very encouraging as contrasted with the official representation accorded by only four powers in the year previous. The assembly confined its labors chiefly to two topics—the night work of women and the use of white phosphorus and lead in industry. The principal obstacle encountered in dealing with the first question was the disagreement as to just what exceptions, if any, to the general prohibition of night work to females were feasible. In disposing of this matter the convention resorted to the expedient of appointing a commission to discover through study of the various factors entering into the problem the measures best adapted to the effective prohibition of such labor and the progressive cancellation of exceptions permitted. Similar provision was made for the investigation of measures to abolish the use of white prosphorus in industry and to suppress as far as possible the use of white lead. As a means to this end it was resolved to bring pressure to bear upon State and local authorities for the elimination of the use of lead in establishments under their jurisdiction. During the following year the results of the investigations in question were published.

French and Italian delegates at the meeting entered into informal negotiations upon the subject of a Franco-Italian labor treaty, but no definite decision in the matter was reached at this time.

COMMISSION MEETING AT BASEL, SEPTEMBER 9–11, 1903.

The commission to which the task of making the researches noted had been assigned met for conference in Basel in 1903. In order to arrive at some real and practical outcome of the much-discussed questions concerning the night work of women it asked the Swiss Federal Council to urge the nations to acquiesce and participate in another international conference, the aim of which should be to see this evil put under the ban of effective international prohibition. This prohibition, in the mind of the committee, should find exception in such unavoidable exigencies as fire, flood, explosion, or other accident, or impending loss of perishable products, such as

fruit or fish. In dealing with the subject of industrial poisons the commission requested the Swiss Federal Council to undertake the necessary diplomatic action for summoning an international conference before which the question of prohibiting by international convention the use of white phosphorus in the match industry might be laid. The regulation of the use of white lead and its compounds was deemed a subject also worthy of treatment by such a conference; moreover, it was held to be the place of the national sections to pursue energetically the elimination of the use of white lead products in painting.

In accordance with this request the Swiss Federal Council extended an invitation (Dec. 30, 1904) to the various powers for another international conference, and representatives of 15 European countries met on May 8, 1905, for a nine days' consideration of international labor problems.

On April 15, 1904, France and Italy signed the first of a series of treaties looking toward reciprocal protection of laborers of the one country within the territory of the other. The example thus set created an important departure in international diplomacy.

THIRD DELEGATES' MEETING, BASEL, SEPTEMBER 26, 27, 1904.

In the same year occurred the third general assembly of the International Association, convened at Basel, with 10 powers officially represented besides the usual delegations from national sections. The program presented five principal topics for consideration, viz, the material and financial resources of the International Labor Office, prohibition of industrial poisons, regulation of the night work of women and young people, the relation of labor legislation to home labor, and lastly the problems of social insurance. The five questions were assigned to as many different committees, which proceeded to consider and report upon them.

The committee on the resources of the International Labor Office reported a deficit in the treasury, and asked new subsidies from the States to meet the need.

The committee on industrial poisons reported the fact that anonymous philanthropists had donated 25,000 francs ($4,825) as prize money to be distributed to those who in competition suggested the best methods of overcoming the dangers of lead poisoning. The committee maintained that the question should be studied with reference to each industrial group by which lead was used, e. g., manufacturers of lead colors, painting establishments, makers of certain electrical instruments, printing and publishing, plumbing, stonecutters, dyers, etc., in order that there might be worked out for each group the restrictions, regulations, or prohibitions necessary to guard the well-being of the laborer. In the painting industry, for example, it urged

severe measures to compel in all instances possible the substitution of less harmful materials for lead products. And finally, in concluding its resolutions, it recommended, as a preliminary measure for effective resistance to the employment of industrial poisons in general, a careful classification by experts of all such poisons upon the basis of the seriousness of the disease produced and that the list be given wide publicity when completed.

The committee on night work of young people found abundant material out of which to construct a program of investigation.

The committee on home labor desired each national section to report upon certain designated phases of the problems inherent in home labor and its relation to labor legislation. The subject of the investigation of home industries had been suggested at the meeting of the special commission in Basel the year before.

The other committee was charged with the examination of the topic of social insurance. The principles adopted by the assembly were that insurance law applicable in a given case ought to be that of the place of the industry giving employment, and that distinctions should not be drawn between beneficiaries of social insurance because of their nationality, domicile, or residence. The national sections were asked to furnish reports to the office before the next general assembly of the association, which would throw light upon the means of putting these principles into operation in each country as well as internationally. The position taken by the conference upon this point is noteworthy. It adhered to the position that the topic of workmen's insurance and the right of the laborer to indemnity if incapacitated by accident was not confined to the domain of private law, and hence was not by its very nature excluded from international treatment. The question of the equality of foreigners and citizens under insurance laws had been for a long time a debated issue. The solution which was gradually being accepted is indicated by the fact that in this same year, 1904, Italy signed three treaties with as many Governments, in each of which it was mutually agreed, in respect to accident insurance, to investigate means of bringing into effect the reciprocal protection of citizens of one country working in the territory of another. That this principle is wholly susceptible of application has since been amply proved by a succession of treaties on the subject.

Before adjourning, the assembly extended to the national sections an invitation to include among their studies a special investigation of the question of the limitation of the length of the workday.

FOURTH DELEGATES' MEETING, GENEVA, SEPTEMBER 27–29, 1906.

After an interval of two years the association held its fourth gathering on September 27, 1906, at Geneva, with 78 delegates present and 10 nations officially represented. Those sending delegates were

Austria, Belgium, Denmark, France, Germany, Hungary, Italy, Netherlands, Sweden, and Switzerland. Since its last meeting 4 new national sections had been added, making a total of 12 such branches of the organization. The additions were: (1) British section, established in 1905; (2) American section, established in 1905; (3) Danish section, established in 1906; (4) Spanish section, established in 1906.

The financial status of the association was found to be satisfactory, expenses being more than met by contributions and State subventions. Standing at the head in this respect was Switzerland, which in the years 1904–1907 contributed over 7,000 francs ($1,351) more than its nearest rival, Germany, and over 15,000 francs ($2,895) more than its next nearest rival, France.

The sum of 4,000 francs ($772) was voted to aid in the publication of an English issue of the Bulletin of the International Labor Office. The subsidy was accorded for two years only and on condition that any supplementary expense be met by the national sections. Since 1906 the English Bulletin has made its regular appearance concurrently with the French and German editions.

The assembly followed the custom of dividing into sections, to each of which some special topic was assigned, the chief subjects designated for consideration being (1) child labor, (2) industrial poisons, (3) night work for young persons, (4) maximum duration of workday, (5) home work, (6) insurance.

The resolutions adopted by the meeting authorized the bureau of the association to tender thanks in the name of the association to the various Governments which signed the Bern Conventions and to congratulate the Swiss Federal Council upon the notable outcome of its efforts; they also called upon the sections to inform the bureau as to the measures taken in each country in the administration of labor legislation, and recommended the issuance of a questionnaire by the office to obtain information with which to elaborate a comparative report on the subject; moreover, both the office and the sections were urged to undertake a similar task in the further investigation of the question of child labor.

Upon the topic of night work of young workers, the resolutions specified eight particular points: (1) the general prohibition of such work to young persons under eighteen; (2) its absolute prohibition up to the age of 14; (3) exceptions above 14 in cases of exceptional necessity in industries where materials are subject to deterioration and loss; (4) its total prohibition in public houses, hotels, and sales establishments; (5) the provision for a minimum night's rest of 11 hours, including in every case the hours from 10 p. m. to 5 a. m.; (6) the permission to make certain exceptions in the transition from old to new regulations; (7) the desirability of having the serious enforcement of inspection; (8) the institution of a commission to in-

vestigate the ways and means of realizing the above and to report thereon within two years, each section having the privilege of nominating two delegates for the commission and of designating such experts from among employers and employees as should assist in the deliberations. No suggestion as to the means of execution was advanced as respects the first seven points and in the case of the eighth provision was merely made for the appointment of a commission further to investigate the matter.

The maximum duration of the workday was deemed to be a subject upon which definite conclusions should be reached for the conservation of the physical well-being and proper moral standards of employees. As a means to this end and in order to be in a position to pronounce upon the utility of international conventions upon the subject, the bureau was called upon to institute inquiries upon the length of the workday and the effects of its reduction.

With regard to home labor, the sections were urged to request their Governments to take measures to compel employers to register home workers and to give precise information as to the scale of wages in operation. Means were then to be adopted to insure wide publicity of such information. The extension of labor inspection and social insurance to home work, the vigorous application of health regulations to insanitary conditions under which such labor may be performed, the effective organization whenever needed of trade-unions, consumers' leagues, etc., were all measures recommended by the resolutions upon the topic. Furthermore, the bureau was directed to ascertain, in collaboration with a subordinate commission, the branches of industry in the home the products of which entered into the competition of the world market and the prevailing conditions in those branches in each country, and the divisions of such industry most urgently demanding reform by reason of excessive length of the workday, especially for women and children, insufficient wages, periodic unemployment, and the want of insurance against sickness.

Upon the subject of industrial poisons, the office was urged to facilitate the execution of the measures recommended at the third assembly of the association and to have the sections appoint experts to make necessary inquiries and prepare, before January 1, 1908, reports on better means of combating lead poisoning in the manufacture and use of lead colors both in the ceramic and printing industries. These reports were to be sent to the International Office. The national sections were further urged to report before March 1, 1908, on the prohibition of the use of lead colors, indicating for each country whether the prohibition was by law or by administrative order and whether it applied only to public works or more particularly to private works. The report should also contain information regarding the consequences of such prohibition as well as the results which had been at-

tained by the use of leadless colors. The bureau was to appoint a commission of three experts to prepare from the lists furnished by the experts whom the sections had appointed a final list of the more important industrial poisons classified in the order of the seriousness of the malady they caused. This was in execution of a measure resolved at the assembly two years before; the whole question, aside from the Bern Conventions, seemed to stand just about where it had stood then.

The hope was expressed that the powers not adhering to the Bern Convention prohibiting the use of white phosphorus in the match industry would see their way clear to do so, and the sections were charged to work energetically for such prohibition.

The resolution on workmen's insurance rested upon the principle of the equality of foreigners and nationals before the law; the association intimated its dependence upon the reports of the sections to ascertain to what degree it would be possible to realize this equality in insurance regulation by international agreement. It had already been partially realized by accident insurance treaties between Luxemburg and Belgium (April 15, 1905); France and Belgium (February 21, 1906); France and Italy (June 9, 1906); France and Luxemburg June 27, 1906); also in voluntary national enactments, e. g., those of the German Federal Council under dates of 1901, 1905, and 1906. The formulation of international treaties and conventions, the modification of existing law and the passage of new legislation, were advanced as possibilities to be duly considered and striven for in so far as they promoted the application of this principle, for its realization in national law would be a step toward its incorporation into international law. Reports were to be made by the sections at the next meeting upon various phases of the subject.

The information furnished the association by the different national sections, especially with respect to the enactment and execution of labor legislation as a result of international agreements, could, under the skillful handling of the bureau, be made to partake of the nature of a sanction; such at least seemed to be the hope of the assembly. The association did not believe the time had as yet come to launch more international conventions; for, not only had those just signed at Bern to be fully tried, but agitation as to the foregoing problems had to become of sufficient extent and intensity to warrant such a step. Consequently the delegates hesitated to recommend further advanced measures of international labor legislation.

Results of the International Prize Contest Concerning Lead Poisoning.—Shortly after the adjournment of this assembly the announcement was made of the results of the prize contest for the best treatises upon the subject of the prevention and reduction of lead poison-

ing, which had been made possible by reason of the gift already referred to. Announcement of this contest had been made by the commission on industrial poisons at the third meeting of the association (1904), and the conditions of competition had been published June 10, 1905. Altogether 63 monographs under various disguised titles were submitted, some of which proved to be worthy of wide circulation and made valuable contributions to the movement for overcoming the evils resulting from the use of white lead and its compounds in industry. Seven essays were recognized to be of sufficient merit to warrant the giving of prizes. The first two prizes went to Messrs. Boulin and Ducrot. These were published by the French Government in its factory inspection bulletin. The German prize essay of Richard Muller was published by Fischer of Jena. The titles of the three essays in question are as follows: (1) Les fonderies de plomb, par M. Boulin;[1] (2) La saturnisme dans la typographie, par M. Ducrot;[2] (3) Die Bekämpfung der Bleigefahr in Bleihütten, von Rich. Muller.[3] The four other prize winners were K. Hauck, Vienna, Austria; Schulz, Kiel, Germany; and Th. Sommerfeld, Berlin, Germany. Twenty-six others received honorable mention or had their works recommended for purchase. The essays of these were later edited in a single compilation at the direction of the International Labor Office by Dr. Leymann, of Wiesbaden, Germany, under the title: "Die Bekämpfung der Bleigefahr in der Industrie."[4] In no case did the international office assume responsibility for the suggestions made or conclusions reached by the authors.

FIFTH DELEGATES' MEETING, LUCERNE, SEPTEMBER 28–30, 1908.

The fifth delegates' meeting of the International Association was held at Lucerne. Its discussions continued and enlarged upon topics of the previous meeting. The fact that its deliberations dwelt upon the prohibition of the night work of young persons and the limitation of the day work of women is significant since these principles were in a few years (1913) to form the basis of outlines for new international conventions. A new topic specifically introduced was that of recommending and defining an eight-hour shift for workmen in coal mines. The suceeding assembly, in 1910, dealt with the same matter and defined the length of such a shift as extending from the time when the first man left the surface to descend into the mine until the time when the first man completed his return to the surface at the conclusion of a day's work.

[1] Paris, Imprimerie nationale, 1907. 107 pp.
[2] Paris, Imprimerie nationale, 1907. 40 pp.
[3] Jena, Gustav Fischer, 1908. 207 pp. plates.
[4] Jena, 1908. 256 [1] pp.

The resolutions drawn up at the previous meeting in 1906 on home work were reaffirmed. The wretched conditions associated with that work were attributed chiefly to the insufficient wages paid, and it was decided to study the question of the organization of wage boards to solve the difficulty. The question of international negotiations with reference to the regulation of labor in the embroidery trade was also considered, as were the problems of suppressing the use of lead paint in interior finish and restricting the use of lead glazes in the ceramic industry. Other matters that were discussed included the protection of workers in the printing trades and in caissons, the preparation of a list of industrial poisons, and the treatment of foreigners in case of accident. The resolutions on these subjects, on that of child labor, and on other topics, were reaffirmed in subsequent assemblies, whose resolutions summed up all of importance included in those of this assembly, added to them, and produced more practical results.

Between 1907 and 1909 the international movement seemed to lag. In the year 1906 it had reached a high-water mark, but thereafter practical results failed to follow in as rapid succession. Signatories of the Bern Conventions were tardy in ratifying them. No important labor treaty was signed in the year 1908. By 1910, however, it had become evident that the Bern Conventions were going to be a success, and all phases of the movement received a vigorous treatment at the sixth delegates' meeting held at Lugano in that year.

SIXTH DELEGATES' MEETING, LUGANO, SEPTEMBER 26–28, 1910.

Sixteen national sections and 13 Governments were represented at this meeting, which had an attendance of 115 delegates. The delegates of the American section were Dr. and Mrs. John B. Andrews, Prof. Farnum, Dr. L. K. Frankel, and Dr. Helen L. Sumner. Commissioner Charles P. Neill represented the Federal Government. Hon W. L. Mackenzie King, Minister of Labor, represented Canada.

The constitutions of two new sections, in Sweden and Norway, respectively, were approved.

The usual procedure of separating into committees for the consideration of special topics was followed. The discussion of subjects introduced in former assemblies related in part to industrial poisons, home work, the maximum workday, the principle of the equal treatment of foreigners and citizens in regard to social insurance, the methods of administering labor laws, and child labor. Codes regulating in detail the hygienic conditions of work in ceramic industries, printing shops and type foundries, and caissons, were adopted, together with resolutions advocating wage boards to regulate home

work, similar to those provided by the British act of 1910. The trade of machine-made embroidery, where carried on as a home industry, received special attention in matters pertaining to the regulation of working hours. Measures for incorporating into international conventions the prohibition of night work of young persons and a universal 10-hour day as a standard for women and young persons were the most important steps taken. A conference to this end met in 1913. The American section was urged not to abate its efforts among the various States to bring about the passage of health and accident insurance laws without the discrimination against alien workers that had occurred in some State legislation. The International Labor Office presented proofs of its first comparative report on measures adopted in European countries for labor law enforcement. As for statutes on child labor, a commission was appointed to prepare a report on the comparative methods of enforcement of these in the several countries.

Topics newly introduced for consideration included labor holidays, the protection of railway employees and the prevention of accidents, and cooperation with the International Association on Unemployment and the Permanent International Committee of Social Insurance (see p. 106). The question of the reduction of the usual 12-hour day in continuous processes was made a subject for special investigation. At the next delegates' meeting, in 1912, recommendations on this matter were precise and definite as the result of a conference that had been held shortly before (June, 1912) in London by the commission appointed to investigate the subject.

Inasmuch as divers operate in foreign waters and on ships of foreign nations, their trade also was deemed a proper one for international regulation. Investigation of this question was provided for; but up to the time of the next meeting (1912) little progress had been made in the matter.

The national sections were to press the prohibition of the use of lead paint and colors in interior work, one consequence of which was that later the Swiss Federal Council was invited to issue a decree prohibiting the use of lead colors in such work and also establishing the regulation that in commerce all such colors should be plainly marked, "poisonous, containing lead." The council was further requested to consider, in any regulations issued for the prevention of occupational diseases, the principles drawn up by the association for the regulation of hygienic conditions in the ceramic industry, type foundries, printing works, and work in caissons. While the association had not thought that caisson work was an occupation sufficiently affected by international competition to render it a proper subject for international agreement, it had nevertheless drawn up a

series of regulations on the subject, the adoption of which it urged by individual States. The reply of the Swiss Federal Council characterized efforts of this nature as meriting full recognition and as conducive to steady improvement of conditions in general; but it declared that international rivalry in the domain of the several measures recommended was hardly important enough to give rise to international conventions. It then reviewed various Swiss regulations for the prevention of occupational diseases, not ignoring defects but at the same time making obvious the marked improvement of conditions in Switzerland, and observing that the more unfavorable conditions in other countries were hardly to be considered a fair criterion of the situation in Switzerland. The council agreed that sufficient evidence had not as yet been adduced to prove the necessity of abolishing the use of lead colors.

SEVENTH DELEGATES' MEETING, ZURICH, SEPTEMBER 10–12, 1912.

The resolutions of the seventh delegates' meeting at Zurich covered 28 topics. Among the first of these was an expression of welcome to a section newly founded in Finland, and approval of its constitution. The bureau of the association was instructed to cooperate with the International Association on Unemployment and Permanent International Committee of Social Insurance, and with the International Home Work Bureau in promoting social reform. It is interesting to note that in September of this year four international associations convened at Zurich within a short time of one another and thus gave rise to what was known as the "social week" (September 6–12). Thanks were tendered by the seventh delegates' meeting to the Spanish Government for having prohibited the night work of women; also, to the Swiss Department of Industry for its intention to recommend to the Swiss Federal Council the convocation of a second international conference on labor legislation to meet in 1913; to the Federal Government of the United States for prohibiting the importation and exportation of poisonous phosphorus matches and imposing a prohibitive tax; to the Government of Mexico for similar action; to the Governments of New Zealand and the Union of South Africa for adhering to the Bern Convention prohibiting the use of white phosphorus in the manufacture of matches; to the Hungarian Government for the enactment of the same prohibition; and to the authors of the official list of industrial poisons, so long (since 1904) earnestly desired and now completed and published in English, French, Italian, and Finnish. Plans were made for the appointment by the various Governments of an international commission of statistical experts to elaborate the principle to be followed by the States in issuing their statistics and reports on labor

legislation so as to make possible every four years the publication of a comparative report on labor-law administration. The introduction in all industrial countries of the principle of the Saturday half holiday as a prerequisite to real Sunday rest received emphatic indorsement. The delegates desired that for women workers and young persons it should be made the subject of an international convention, and the subcommission collaborating with the bureau on the maximum 10-hour workday was instructed to consider this proposition as well and to report at the next meeting of the association.

Progress in the suppression of the use of lead colors in painting and interior decorating, resulting from the legislative action of several States, was noted with satisfaction. Further investigation of plumbism, especially in the printing and ceramic industries, was contemplated with a view to its prevention, and to the conclusion, in the case of the ceramic industry, of an international convention restricting the use of lead. The widespread recognition in legislation on social insurance of the principle of the equality of aliens and citizens, so faithfully advocated by previous conferences and now incorporated in the legislation of several countries, including certain States of the American Union, and in many treaties, also proved very gratifying. Other principles favored in this connection were the reduction of insurance benefits paid to foreigners against those paid to citizens in proportion only to the State's contributions to the insurance fund, and ultimately the preclusion of all necessity for such discrimination by the conclusion of international treaties; the settlement of the claims of insured parties whose residence is outside the country of insurance by the payment of a lump sum or by the transfer of the capital value of the annuity to an institution of the recipient's domicile; and the insurance of foreigners even in case of only temporary sojourn within the country. As at the last conference, the American section was urged to continue its exertions in securing in the various States of the Union suitable insurance laws against sickness and accident not discriminating against foreign labor.

Further procedure was described in detail to bring about many other desirable ends, among which may be mentioned: The eight-hour shift in continuous industries and the realization of the same, especially in steel works, through an international convention; the limitation, by the same means, of work in glass factories to 56 hours per week on an average; investigations relative to a hygienic working day in dangerous and unhealthy trades; the better protection of the interests of railroad employees, dock workers, miners, tunnel constructors, quarrymen, etc., on an international basis; the abolition of the custom of exacting fines through deductions in wages, as well as of the system of paying in kind or through tickets convertible at the employer's store, commonly known as "trucking"; the estab-

lishment of the principle of the refund of compulsory contributions made to pension or thrift funds, in case of the withdrawal of the person entitled to such benefits; the alleviation, especially through effective administration of minimum rates by wage boards, of the unsatisfactory lot of the home worker; the prevention of ankylostomiasis, anthrax, and mercurial poisoning among workers; proper precautions in handling ferrosilicon; the study of the best methods of compiling morbidity and mortality statistics in different countries so as to arrive at a basis upon which to publish uniform international statistics of mortality by trades; the regulation of home work in the manufacture of Swiss embroidery, and the suppression of evils resulting from the introduction and continuous operation of automatic embroidery machines in factories of Germany, Austria, Switzerland, France, the United States, Italy, and Russia. These machines had been more widely put into operation since the last delegates' meeting and thus injected a new factor into the embroidery problem.

Of the above, the subjects newly introduced as separate topics in the association's program were the Saturday half holiday, the protection of dock workers, the truck system and deductions from wages, international statistics of morbidity and mortality among working classes, the handling of ferrosilicon, and the international prevention of anthrax among industrial workers and of mercurial poisoning in fur cutting and hat making.

The next meeting of the association was scheduled for Bern in 1914, a meeting which was never held on account of the war intervening.

INTERNATIONAL FEDERATION FOR THE OBSERVANCE OF SUNDAY.[1]

The first international congress for the observance of Sunday rest was held in Geneva in 1876. Over 400 delegates were present from Switzerland, France, England, Germany, Austria-Hungary, Holland, Belgium, Italy, Norway, Spain, Roumania, and the United States. Emperor William I of Germany was officially represented by his ambassador to Switzerland, and there were delegates from the leading railway companies of Europe, from chambers of commerce, and from philanthropic and labor organizations. The meeting was called by a committee of the Evangelical Alliance, and therefore the predominant note in this and in the subsequent congresses was that of a proper observance of the day from a religious standpoint, although the necessity for securing to laboring people the rest and leisure essential to their welfare has also been recognized.

The International Federation for the Observance of Sunday was organized at the congress of 1876 with the following aims:[2]

[1] (Titles vary.) International Congress on Sunday Rest: Proceedings.
[2] Annuaire de la vie internationale, 1910–11. Brussels, pp. 1119, 1120.

The committee for the observance of Sunday will endeavor to further the principle of Sunday rest and the Christian use of Sunday in all cases except those of necessity or charity. This cause, at the same time social, humanitarian, and Christian, appears indispensable to them for the physical, intellectual, moral, and religious well-being of citizens and families.

Our aim is to show the public that this is not an ecclesiastical question, but Christian in the best and most elevated sense of the word—that is to say, to the interest of human dignity, of civil order, and of the public good.

In consequence we exert ourselves to oppose all subjection to unnecessary Sunday work, the opening of offices and stores on Sunday, and also breaking the Sabbath, the multiplicity of public festivals, academic and other instruction on Sunday, payment of workers on Saturday evening or Sunday, and Sunday military exercises or assemblages of public interest.

The Fifth Congress, held at Paris in 1889, was under the authorization of the French Government and took up the question of Sunday rest from the hygienic, industrial, and social point of view. Closing railroad stations and offices on Sundays and holidays and reduction of the number of Sunday freight trains and the partial closing, at least, of post offices and telegraph and telephone offices were matters considered by the congress. It also established a permanent international commission which had for its purpose the gathering of information in all the countries on the work and rest of Sunday and which was also authorized to arrange for other congresses upon the same basis as this one. The creation in France of a popular league for Sunday rest was advocated. The congress of 1900 at Paris, which was called the Popular French League, organized following the congress of 1889, also considered the question entirely from the industrial standpoint, as did the congress of 1906. The British and American congresses have not limited their consideration of the question to such an extent. The congress of 1915 at Oakland, Calif., gave two days to the topic from the industrial point of view, but passed only one resolution dealing with that phase of the subject—a resolution urging the observance of Sunday rest upon industry in China and Japan. The places and dates at which congresses on the observance of Sunday rest have been held are various. The proceedings are published in the language of the country where held. The congresses have been as follows:

First, Geneva, 1876.
Second, Bern, 1879.
Third, Paris, 1881.
Fourth, Brussels, 1885.
Fifth, Paris, 1889.
Sixth, Stuttgart, 1892.
Seventh, Chicago, 1893.
Eighth, Brussels, 1897.
Ninth, Paris, 1900.
Tenth, St. Louis, 1904.

Eleventh, Milan, 1906.
Twelfth, Frankfort on the Main, 1907.
Thirteenth, Edinburgh, 1908.
Fourteenth, Geneva, 1911.
Fifteenth, Oakland, Calif., 1915.

A summary of the proceedings of the eleventh international congress, held at Milan, October 29–31, 1906, gives a fairly complete survey of the reforms aimed at by the various congresses and the methods recommended for carrying them out. At this congress Sunday rest and its relation to industry were more fully discussed than perhaps at any other congress.

The recommendations included Sunday rest for newspaper employees, and 52 days of rest annually, falling on Sunday as often as possible, for post-office employees. For countries where such regulations do not exist, the following reforms were recommended: Only one postal delivery on Sunday, excepting express deliveries; nondelivery and collection of mail and money orders, legal documents, bankruptcy notices, and parcel post packages (notification to be given consignees of the arrival of packages containing perishable goods or marked for immediate delivery, leaving it for them to call for such packages within prescribed post-office hours); and limitation of the opening of post offices on Sunday to two hours, preferably in the forenoon.

For telegraph, telephone, and customs service the resolutions stipulated a rest of 65 days per year for the staff, including 39 Sundays or single days plus two vacations of 13 consecutive days each; an international agreement permitting the sending of telegrams on Sunday only in special cases, with rates for either telegraphic or telephonic messages on that day made twice as high as on other days; for employees in small offices, a salary sufficient to enable them to hire substitutes for a certain number of Sundays per year; and the adoption, for employees in general, of the principle of at least 52 free days annually, one-half of which should fall on Sunday.

With reference to railway and merchant service, the last-mentioned principle was advocated under the condition that the days of Sunday rest would at least be made as numerous as possible. As a further means to Sunday rest, the authorities concerned in the different countries were invited to decree the closing of freight stations except for the delivery of live animals; the limitation of the number of freight trains to the necessary minimum and their operation only in pursuance of great pressure of traffic; no obligation on the part of transportation officials to deliver shipments (the consignees being notified and privileged to call for such consignments, especially if of perishable nature); the abrogation of all claims for nondelivery of goods on Sunday; the governmental designation of holidays to be

reckoned in lieu of Sundays; the discontinuance of labor pertaining to workshops, street repairs, the construction of large tunnels, and other building operations, except in cases of emergency; the extension of the benefits of holidays, in so far as possible, to employees of the merchant service as well as to dock and harbor hands, even if ships are in port and suspension of their unloading is thereby necessitated.

One of the resolutions also called for Sunday rest in the Army and Navy as far as circumstances permitted, parades being scheduled for other days.

The conference did not wish to be understood as limiting in any degree the general obligation of Sunday rest, although it dealt with the subject from the industrial standpoint particularly; but instead of thereby implying that its observance was to be made conterminous with the limits of industry or manual labor merely, it rather emphasized the principle that such rest constituted an obligation coextensive with every class and order of society. At the same time, it did not fail to recognize that beyond this obligation were duties within which justifiable exceptions fell. To illustrate, in some instance Sunday rest might be impossible where weekly rest would be possible, e. g., on Saturday; in such case, next to the obligation of providing Sunday rest would come the duty of providing for weekly Saturday rest, which, while constituting an exception to the principle of Sunday rest, would nevertheless be the next best thing to it, if not equally salutary. It was frankly recognized, however, that circumstances were bound to exist which would preclude any solution of this character, and would thus make necessary the invention of other equivalents of weekly rest.

PERMANENT INTERNATIONAL COMMITTEE OF SOCIAL INSURANCE.

The Permanent International Committee of Social Insurance is a purely scientific body for the study of the technical problems of social insurance. The congresses do not ordinarily pass resolutions except with reference to procedure or program of study. The principal significance of the organization lies in its opportunities for exchange of ideas. Valuable contributions to the principles and practice of social insurance have been presented at the proceedings and issued in the publications of the permanent committee.

At the first International Congress on Labor Accidents, held at Paris in 1889, a permanent committee was formed to serve as the permanent center of the movement in favor of social insurance and it was authorized to arrange future congresses and to publish a bulletin. The following congresses have been held: Bern, 1891; Milan,

1894; Brussels, 1897; Paris, 1900; Düsseldorf, 1902; Vienna, 1905; Rome, 1908.

At the second International Congress on Labor Accidents, held at Bern in 1891, the president, Mr. Linder, presented a resolution which was unanimously passed by the congress, providing that in order to make clear the connection between insurance against accidents and insurance against general sickness, disability, and old age, the following title, conforming to the actual extent of their program, be adopted: The Congress and Permanent Committee on Labor Accidents and Social Insurance.[1] The title has since been changed to Permanent International Committee of Social Insurance.

The countries represented at this Congress were Austria, Belgium, England, France, Germany, Holland, Italy, Norway, Sweden, Switzerland, and the United States.

The latest congress was held at Rome, October 12–16, 1908, the congress projected for Washington (D. C.), 1915, not having materialized on account of the war intervening. No resolutions were passed by the congress but the following subjects were discussed: Medical service in connection with social insurance; broader education of physicians in their relation to social insurance; occupational diseases from the point of view of prevention as well as of insurance; maternity insurance; sickness and disability in their mutual relations; insurance of widows and orphans; insurance against unemployment.

The permanent committee announced at the closing meeting of the congress that it had been decided to strengthen the committee by the addition of new members and to render the bureau more international in character by the appointment of vice presidents of different nationalities. It also urged the founding of supplementary national committees for the purpose of studying questions of social insurance, following the plan of committees already formed in Austria. Belgium, France, and Switzerland. These two measures, it was considered, would give the organization a much more international character than it had had in the past.

In view of the increasing difficulty of organizing congresses on account of the variety of subjects to be discussed, the large number of countries taking part, and the difficulty of finding meeting places without imposing an excessive financial burden on the countries receiving them, the committee also suggested that it was in the interest of their work to hold the congresses at longer intervals, while conferences composed of members of the national committees should be held more frequently.

It was decided, therefore, that congresses should be held every six years, while conferences presenting more limited and therefore

[1] Bulletin du Congrés International des Accidents du Travail. France, Vol. II, 1891, p. 545.

more practical programs and with less numerous and less voluminous reports should be held every two years.

At this meeting Mr. Linder, who had been president of the permanent international committee since its inception, tendered his resignation, and Raymond Poincaré, former Minister of Finances and of Public Instruction, afterward President of France, was elected in his place.

Official delegates were sent by 25 countries, and among the nearly 1,400 persons attending the congress the following countries were represented: Argentine Republic, Australia, Austria, Belgium, Canada, China, Denmark, Finland, France, Germany, Great Britain, Greece, Guatemala, Holland, Hungary, Italy, Japan, Luxemburg, Nicaragua, Norway, New Zealand, Portugal, Roumania, Russia, Serbia, Spain, Sweden, Switzerland, United States, and Uruguay.

INTERNATIONAL CONFERENCES ON SOCIAL INSURANCE.

The first International Conference on Social Insurance, under the changed policy referred to above, was held at The Hague, September 5–9, 1910.[1] At this conference, which because of the large attendance was described by Mr. Fuster, the general secretary, as having more of the character of a congress than a conference, the discussion was limited to two questions—the contribution of the State to the establishment of old-age pensions, and relief funds and medical service in social insurance.

The second conference, held at Dresden at the invitation of the International Exposition of Hygiene, September 15–16, 1911,[2] was smaller and of a more intimate character and therefore more in keeping with the ideas of the permanent committee. The program comprised a few questions only, the character of which prevented the vague and general discussion characterizing the debates of the congresses, so that it was the general impression that in this meeting of specialists they had approached the ideal of discussing questions of detail and methods for their practical application to special problems.

The latest meeting of the committee was held at Zurich, September 9–11, 1912.[3] The attendance included the members of the Permanent International Committee, of the national committees, and some of the other specialists present at Zurich to attend other conferences of a related nature which gave that period of conferences the name of the "social week."

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[1] Bulletin des Assurance Sociales. Comité permanente international des assurances sociales. Paris, 1911, vol. 22, pp. 7–25.

[2] Bulletin des Assurance Sociales. Comité permanente international des assurances sociales. Paris, 1912, vol. 23, pp. 8–23.

[3] Bulletin des Assurances Sociales. Comité permanente international des assurances sociales. Paris, 1913, vol. 24, pp. 1–165.

The program[1] included:

I. Extension of social insurance to cover—
   1. High-salaried employees.
   2. Employees partly salaried and partly independent.
   3. Independent persons with small incomes.

II. Organization of joint stock companies (industrial life insurance), supplemented liberally by compulsory annuities.

III. Costs of social insurance:
   1. Effect upon the worker's budget.
   2. Effect upon industrial costs (price of production, price of sales).
   3. Effect upon the public budget.

IV. 1. Malingering and exaggeration of disability.
   2. Slight accidents and their adjustments.

V. International accident statistics.

At the close of the conference a resolution was adopted providing that the question of the costs of social insurance should be referred back to the Permanent Committee, which, after having consulted the national committees, should present a plan at the next meeting of the conference for an investigation of the subject. The value of labor monographs and special studies, such as the studies of workers' budgets, was emphasized by the conference.

INTERNATIONAL CONGRESSES ON OCCUPATIONAL DISEASES.

The first congress on occupational diseases was convened by a number of Italian physicians and scientists at Milan, June 9 to 14, 1906. A number of delegates from other countries were present and an association was formed under the name of Permanent International Commission for the Study of Occupational Diseases, the object of which was to hold international and national congresses for the study of occupational diseases; to study and assemble material on industrial and social hygiene; to institute at Milan a bibliographical service for the use of all interested in the study of occupational diseases; to publish a bibliographical magazine in French; to call the attention of authorities to the results of researches in industrial hygiene and to make recommendations to learned societies thereon; and to bring to the public attention of Governments, universities, hospitals, etc., the efforts being made in this connection.

Besides the Permanent Committee subsidiary national committees for the study of occupational diseases have been formed in Germany, Austria, Hungary, Bulgaria, Canada, Spain, United States, France, Great Britain, Greece, Italy, the Netherlands, and Switzerland.

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[1] Actes du VIII. Congrès International des Assurances Sociales. Rome, 1908, vol. 3. Rome, 1909. Annuaire de la vie international. Office central des associations internationales. Brussels, 1910–11, Vol. II, pp. 1597–1603.

The second International Congress was held at Brussels, September 10 to 14, 1910. A large number of experts and scholars, as well as inspectors of factories, trade officials, physicians, etc., participated in its discussions. The following 20 Governments sent delegates: Germany, Austria, Hungary, Belgium, Bulgaria, China, Spain, United States, France, Luxemburg, Great Britain, Greece, Guatemala, Italy, Russia, Salvador, Sweden, Turkey, Uruguay, Venezuela.

The third congress, designed to be of a strictly scientific character, was set to take place at Vienna, September, 1914.

The leaders in the organization have been Italian physicians and scientists. The headquarters are in Milan, Italy. The governing council is further composed of 31 members from the following countries: Austria, Germany, Belgium, Bulgaria, Canada, Spain, United States, France, Great Britain, Greece, Hungary, Italy, Netherlands, Russia, Sweden, Switzerland.

The committee has published, since 1908, a bulletin, as well as reports of studies on occupational diseases.

INTERNATIONAL ASSOCIATION ON UNEMPLOYMENT.[1]

The first International Congress on Unemployment, held at Milan, October 1–2, 1906, was called by the Italian society, Umanitaria. It was not expected that the solution of the problem of unemployment would be found, but that all the different aspects of the situation should be considered and the conclusions reached brought to the attention of the general public.

The congress was attended by many well-known sociologists and economists, as well as delegates from labor organizations, national labor bureaus, representatives of the international labor secretariats, of municipalities, of countries, and of charitable organizations. The following countries were represented among the delegates: Austria, Belgium, Denmark, England, France, Germany, Hungary, Italy, Russia, Spain, Sweden, Switzerland, and the United States.

The congress undertook as its main task to devise means for rendering unemployment less acute without attempting to do away with it altogether, and therefore it failed in its resolutions to deal with the primary causes of unemployment, and went on to enumerate the most important factors requisite to combat the evil, e. g., the determination of standards by which to regulate hours of work, wages, and contracts of labor; the more equitable distribution of labor within different groups; greater cooperation among all forms of labor; and the application of the doctrine of intervention by State and local authorities. To facilitate such intervention, recommendations were made

[1] Le Chômage. Publié sous les auspices de la Società Umanitaria. Paris, 1907. 274 pp. International Association on Unemployment. Bulletin Trimestrial. Revue internationale du chômage. Paris, 1911. Vol. I, pp. 11–18, 467–499. Idem, Vol. II, pp. 655–875. Idem, Vol. IV, pp. 369–469. Annuaire de la vie internationale, 1910–11. Brussels. Pp. 1111–1115.

to require of all industries a periodic, statistical report of the volume of employment and unemployment; to establish an international employment exchange and free public employment agencies in every center of population; to provide either optional or compulsory insurance against unemployment, supported by contributions from the State, employers, and workmen; to accord to labor ready access to credit, particularly for the cooperative acquisition of land; and to furnish, through local branches of the Government, subsidies to employment exchanges established by workers. Of these resolutions, the one touching upon an international employment exchange was without doubt most worthy of immediate consideration and potentially capable of most far-reaching and helpful results. The scientific adustment of the supply and demand of the labor market means immediate relief for all parties concerned.

No steps were taken at the congress held at Milan to effect a permanent organization, so that there is no actual relationship between this congress and the International Association on Unemployment organized at Paris in 1910. It did, however, effect the starting of the movement toward international organization, which resulted in the formation of a committee in Paris in 1909 for the purpose of calling an international congress. This committee, composed largely of representatives from Belgium, France, and Germany, university professors and public officials, who were interested in the subject of unemployment, perfected an international committee which organized the congress and prepared its program. The congress met in Paris, September 18–21, 1910, and was attended by 600 delegates representing 22 different nationalities. Official delegates were sent by the following countries: Argentina, Australia, Austria, Belgium, Canada, Chile, Denmark, France, Great Britain, Italy, Luxemburg, Mexico, Norway, Roumania, Serbia, Sweden, and the United States.

The most important result accomplished by the congress was the creation of the International Association on Unemployment with headquarters at Ghent. The association was formed for the purpose of research, education, propaganda, and social action on subjects relating to unemployment. Among the methods adopted to realize these purposes are the following: (1) The organization of a permanent national office to centralize, classify, and hold at the disposition of those interested the documents relating to the various aspects of the struggle against unemployment in different countries; (2) the organization of periodical international meetings, either public or private; (3) the organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters; (4) the publication of essays and of a journal on unemployment;[1] (5) negotiations with private institutions or the

[1] See publications of the International Association on Unemployment; Monthly Labor Review of the U. S. Bureau of Labor Statistics, Apr., 1916, pp. 85–91.

public authorities of each country with the object of advancing legislation on unemployment and obtaining comparable statistics and possibly agreements or treaties concerning matters of unemployment.

No resolutions were passed at this congress mainly because it was judged better not to bind the permanent organization by premature conclusions, but the meeting was effective in forming new relationships between specialists of different countries and in evidencing the genuine desire of the members to remedy the misery of the unemployed.

The first meeting of the international committee was held at Ghent September 1, 1911, for the purpose of completing the internal organization of the committee, of determining under what conditions new countries might be authorized to send delegates, and of regulating the conditions of representation of employers and workers.

The next meeting of the international committee was held at Zurich, in September, 1912, during the so-called "social week." Especial attention was given to the statistics of unemployment and to the problem of temporary international immigration and domestic migration and their influence upon unemployment.

The first general assembly or congress met at Ghent, September 5–6, 1913. The rapid growth of the association in the three years of its existence is shown by the fact that at the time of this meeting the membership had reached 1,100, representing 31 different countries, in 16 of which national sections had been organized.

The resolutions (see Appendix II) dealt with the general unsatisfactory conditions regarding employment bureaus and advocated more systematic organization, harmonizing of the details of administration, free assistance to persons seeking employment, methodical organization of the labor market, and payment of expenses of the bureaus by State and local authorities.

The distribution of public work so as to cover slack seasons or years of crisis or economic depression, budget laws comprehensive enough to admit of reserve funds for such emergencies, and the establishment in each country of a permanent institution to study the symytoms of depression and economic crisis advocated. It was also suggested that public authorities should try the experiment, in letting their contracts, of apportioning them according to trades.

It was concluded from the reports presented to the congress that the trend of public opinion was toward compulsory unemployment insurance, with contributions from employers, employees, and public authorities and that it was essential that such a system should be operated in connection with labor exchanges, but owing to too brief experience the congress was not prepared to say what financial system should be adopted. Extension of the program of the association

to cover immigration was advocated, and also that a special commission to study the question be appointed from the membership of the association, the Permanent International Committee of Social Insurance, and the International Association for Labor Legislation. Provision was also made for exhaustive statistical studies.

INTERNATIONAL HOME WORK ORGANIZATION.

The committee of organization of the Brussels Congress on Home Work had as its president, Victor Brants, professor at the University of Louvain, and among its members a number of Belgians prominent in legislative, educational, and labor circles. In the preliminary letter sent out by the committee it was stated that for a number of years the attention of sociologists, legislators, and representatives of organizations of employers and employees had been particularly drawn to the social conditions of home workers. The committee considered itself justified in demanding that protective legislation should be enacted for decentralized as well as centralized industries, since there was no apparent reason why legal protection should be denied to those workers whose working conditions were in most cases less favorable than those of protected workers. An attempt had already been made to correct this defect in the laws in Australia, while American and English laws had formulated principles which had had an effect upon proposals put forward on the continent. Finally, expositions of home work in London and several cities on the continent had aroused public opinion to the necessity for hastening the general movement toward legal intervention.

FIRST INTERNATIONAL CONGRESS, BRUSSELS, SEPTEMBER 15–17, 1910.[1]

The "Exposition Universelle" of Brussels seemed to offer a good opportunity for an international congress on this subject. The exhibit of Belgian home work, organized by the city of Brussels with the aid of public and private agencies and various professional groups, had been made as complete, scientific, and impartial as possible. The Belgian Government had also made a very complete investigation of the conditions surrounding home workers in different industries and had published the results. National committees were formed in the different countries in connection with the central committee for the purpose of assisting in making the congress a success.

Two hundred and fifty delegates, representing nine countries, took part in the discussion, among whom were V. Brants, president; H. Denis, Camille Huysmans, and E. Mahaim, representing Belgium;

[1] Première congrès international du travail a domicile réuni à Bruxelles en septembre 1910. Compte rendu des séances. Louvain, 1911. 64 pp.

Picquenard, delegate from the Ministry of Labor, France; and Prince de Cassano, delegate of the Italian Government.

Although it was understood that the congress would not vote on the questions discussed, but, as there was little equality in the representation, would confine itself to recording its opinions, it was finally decided that by following this rule much of the effect of the meeting would be lost.

Resolutions (Appendix II) were therefore passed unanimously which called for compulsory registration by contractors or subcontractors of all home workers, with the books relating to wages and description of work open at all times to the labor inspectors; establishment by joint committees' for a limited period of time, of a minimum wage applicable to all average workers, the decisions of these committees to be enforced by a superior council; establishment of a standard of healthfulness in the different trades in order to determine the industries which should be either regulated or suppressed; prohibition of work of children under 14 years of age and instruction of children up to this age.

A permanent bureau for the International Congress of Home Work, to be located at Brussels, was created by the assembly, with power to organize the second International Congress in 1912.

SECOND INTERNATIONAL CONGRESS, ZURICH, SEPTEMBER 8, 9, 1912.[1]

The Second International Congress on Home Work was held in Zurich during the two days preceding the seventh delegates' meeting of the International Association for Labor Legislation (see pp. 101 to 103) in order to facilitate the participation of delegates in both meetings.

The meeting was called for the purpose of discussing the following questions:

(*a*) Comparison of different proposed bills for the regulation of home work; methods of determining minimum rates of wages.

(*b*) Sanitary inspection and the legal regulation of home work.

(*c*) Trade organization and collective contracts.

(*d*) Influence of public action (consumers' leagues).

Official delegates were sent by Belgium, Chile, Denmark, France, Hungary, Italy, Japan, Luxemburg, Netherlands, Norway, Portugal, Roumania, Russia, Saxony, Sweden, and United States, while five other countries were represented among the delegates. The membership was largely the same as that of the seventh delegates' meeting and included such men as Prof. Lujo Brentano, University of Munich; Dr. Ludovic Teleky, Vienna; Camille Huysmans, deputy, Brussels; E. R. Henderson, Chicago; Dr. Lee K. Frankel, assistant secre-

[1] International Homework Congress, second, Zurich, 1912. Second Congrès International du Travail, à Domicile, Zurich, 8–9 Septembre, 1912. Rapports et comptes rendus des séances. Brusselles, 1913. [595 pp.] (Each address separately paged.)

tary Metropolitan Life Insurance Co., New York City; Charles H. Verrill, Bureau of Labor Statistics, United States Department of Commerce and Labor; Mr. Colliard, deputy, Paris; Albert Thomas, deputy, Paris; Dr. Emerich Ferenczi, Budapest; Guiseppe Toniolo, University of Pisa; Dr. Stephen Bauer, University of Basel; and many others.

The congress organized itself in four groups for the discussion of the topics set down in the program. Each section formulated and adopted its own set of resolutions.

The resolutions of Section 1 of the congress were drawn up in the form of an act to be presented for legislative enactment to the different countries. Part I defined the scope of the act. Part II dealt with the registration of employees, provided that this registration should consist of a certificate issued by the communal authority, the register kept by the employer, and the employment book issued by the employer, a separate book to be issued to each person employed. Part III, which comprised the resolutions of Section 2 of the congress, provided for sanitary inspection—protection of home workers from the dangers of industrial poisoning and improvement of hygienic conditions—while in the interests of consumers the act demanded the prohibition of the manufacture of foodstuffs and tobacco by home workers, compulsory notification of contagious diseases, disinfection of manufactured clothing and other materials as far as possible and of all other products where cases of contagious diseases occur among the home workers or their families, and destruction of infected goods where necessary for the protection of the public. The creation of a special service of inspectors was called for, consisting of medical practitioners and working men and women, or, where this was not practicable, extension of the duties of the present labor inspectors to cover home work. Inspection was to be carried on for the purpose of improving the hygienic conditions of children employed as home workers and of watching their interests from an educational standpoint. Part IV provided for the establishment of special wage boards or the use of already existing industrial councils to fix wage scales and minimum wages for apprentices. Section 3 of the congress urged the strengthening of the trade-union movement among home workers as a means of securing better enforcement of home-work laws, while Section 4 urged cooperation with consumers' leagues which should serve as organs of propaganda to keep public interest alive in the subject.

It was generally considered that in order to remedy existing evils legal regulation was necessary in all countries and that strong industrial organizations were needed. To this end it was urged that consumers' leagues should cooperate in spreading the principles set forth by the congress through conferences, publications, and exhibitions.

CHAPTER VI.—OFFICIAL INTERNATIONAL LABOR CONFERENCES AND TREATIES, 1890–1913.[1]

After the appearance of Emperor William's rescripts (Chap. II), Bismarck communicated to the European powers, exclusive of Russia, Spain, and Portugal, the last two of which were invited later, an invitation to send delegates to a labor conference at Berlin. The subject matter proposed for consideration included the work of women, children, and young persons, Sunday labor, mining, and the means best adapted to the execution of the measures adopted. This program was sent to Pope Leo XIII by Emperor William, with the request that His Holiness lend his aid to the project. The Pope's reply indorsed the deliberations of a conference that might tend to relieve the condition of the worker, secure for him a Sabbath day's rest, and raise him above the danger of exploitation.

CONFERENCE OF BERLIN, MARCH 15–29, 1890.[2]

The conference convened March 15, 1890, at 2 o'clock in the afternoon in the palace of the chancellor. Fifteen countries were officially represented—France, Germany, Austria,[3] Hungary,[3] England, Netherlands, Spain, Switzerland, Norway, Sweden, Portugal, Denmark, Belgium, Italy, and Luxemburg. The opening address of the session, delivered by Baron von Berlepsch, German minister of Commerce, set forth the menace that had arisen from industrial competition and justified the attempt to reach international agreements for the purpose of avoiding the common dangers of unregulated industrialism. The protocol finally adopted contains the result of the convention's deliberations. The proposals made were for the most part approved unanimously, otherwise by a majority.

As to the regulation of mines, it was held desirable gradually to make 12 years in southern countries and 14 years in others the age limit for the admission of children; to exclude women entirely; to limit the length of a day's work amid unhealthful environment impossible of improvement; to guarantee, as far as possible, the health and safety of miners and adequate State inspection of mines; to license as mining engineers only men of experience and duly

[1] Principal sources are the proceedings of the conferences; also, Archives diplomatiques, Paris; La protection internationale ouvriere, par. L. Chatelain, Paris, 1908, 244 pages; references cited for Chapter III.

[2] Archives diplomatiques, 1890, vol. 35.

[3] Austria and Hungary are counted as separate States in respect to labor conferences and conventions.

attested competence; to render relations between operators and employees as direct as possible and conducive to mutual confidence and respect; to establish associations of relief and insurance to mitigate the consequences of disease, accident, old age, and death, and to institute measures preventive of strikes. Voluntary direct negotiation between employers and employees was recommended as the preferable solution of industrial crises, with ultimate recourse in case of necessity to arbitration.

The desirability of the prohibition of Sunday labor was affirmed with certain exceptions, e. g., undertakings demanding continuity of production, or furnishing articles of prime necessity and requiring daily manufacture, or in case of seasonal industries or industries which are dependent upon the irregular action of natural forces. It was recommended that for such cases the Governments provide a common basis of regulation through international agreement; and for the laborers involved the rule of one free Sunday every other week was suggested.

The resolutions dealing with the protection of children stood for the exclusion of the two sexes from industrial establishments until 10 years of age in warm countries and until 12 years old in all others, with certain educational requirements prerequisite to all child labor. It was further held that minors under 14 years of age ought not to be allowed to work nights nor on Sundays, nor to exceed the limit of six hours of daily work, broken by a rest of at least one-half hour, nor to be admitted to unhealthful or dangerous occupations, save in exceptional cases where special protection is provided. The absolute prohibition of the night work of children under 14 has not yet been enacted by international agreement, but it was a provision of the conventions that seemed to be nearing realization in 1913. The same is true of the recommendation of the Berlin Conference with reference to the general prohibition of the night work of young people under 16, and the establishment of a maximum 10-hour workday for them. In case of occupations particularly dangerous or injurious to health, and in the matters of night, Sunday, and maximum day's work, the conferees at Berlin directed special attention to the need of safeguarding the interests of boys from 16 to 18 years old. The night work of girls and women was condemned, as it had been repeatedly in previous assemblies. An international convention to this effect in 1906 is the result of these efforts. The maximum workday recommended for females was to be of 11 hours' duration, interrupted by a rest period of at least one and one-half hours. Among numerous international measures favored for the protection of health was one, not theretofore proposed, decreeing that lying-in women should not be readmitted to work within four weeks after delivery.

A sufficient number of officials specially qualified, named by the Government and independent of employers and employees, constituted, according to the stipulations of the protocol, the proper machinery by which to superintend the execution of these measures in each State and to report upon labor conditions. The compilation of these reports and their annual exchange among the Governments affected, together with relevant labor statistics, texts of laws, and administrative orders on the subject, were also advocated.

The immediate result of the Conference of Berlin was disappointing. Like previous and less important congresses, it confined itself merely to the expression of views and desires; no definite international conventions were formulated, or, indeed, outlined. Detractors found in its deliberations further proof of the futility of the movement. But, however unsatisfactory were the results obtained, the conference was an index of the growing power of an ideal and served to center attention upon it to an unprecedented degree. It was a step in advance and an important one. It served to prepare the way for future cooperative effort among the Governments and indirectly it resulted in the formation of the International Association for Labor Legislation.

INTERVENING EVENTS, 1890–1905.

Before the next strictly official congress met to consider the subject of the fixing of labor standards by international action a period of 15 years elapsed. In that interval Switzerland continued the task of crystallizing opinion in favor of the movement, seemingly taking heart from the fact of the Berlin Conference. Her National Council addressed to the Federal Council a review of the importance of that episode, the significance of Switzerland's role in the events leading up to it, and a historical exposition of the whole question with an optimistic forecast for the future.

In 1892 the Federal Council introduced, through diplomatic agents, at Berlin and Vienna the subject of an international agreement regulating the industry of machine-made embroidery. The move had been suggested and sanctioned by workers and employers in the industry, but the proposition received a cold reception by the two powers approached and was dropped. In 1895 the Federal Council was invited by the Federal Assembly to take up again with the powers the general question of international labor regulation, but the council did not believe the time propitious for a new attempt. Its next step (in 1896) related to the possible establishment of an international bureau charged with gathering important labor statistics, the study and comparison of industrial legislation, and the dissemination of pertinent information. Features of labor law, similar, dissimilar, or

worthy of imitation, might thus be impressed upon national and international consciences as in no other manner. The countries approached as to this plan were France, Denmark, Germany, Belgium, Sweden, England, Italy, Spain, Holland, Norway, Russia, and Austria. The replies in general indicated plainly either reluctance or hostility, and so the project was given up for the time being.

In the meantime two semiofficial congresses and various labor gatherings took place, the semiofficial congresses at Brussels, 1897 (p. 84), and Paris, 1900 (p. 87), being participated in by some of the Government representatives who took part in the Berlin Conference of 1890. The principal result of the efforts of these gatherings was the creation of the International Association for Labor Legislation already described. The period from 1890 to 1905 was also an active one in the formation of international trade-union bodies, which were urging and demanding a larger degree of regulation by the State in the field of labor conditions. The congress at Zurich in April, 1897, set the high-water mark of this agitation. The years from 1900 to 1905, when the second of the international conferences was held, are marked especially by efforts on the part of the International Association for Labor Legislation to arouse in the various European Governments an interest in the fixing of labor standards by international action. The first general assembly of that association in September, 1901, inaugurated a series of studies of the problems of labor legislation particularly in the field of social insurance and the equality of treatment of insured persons by the laws of the different countries. As an indirect result of these efforts France and Italy on April 15, 1904, signed the first of a series of treaties for the reciprocal protection of their workmen subject to social insurance laws. The International Association also began its researches as to the use of certain poisonous substances in manufacture, with a view to the total prohibition or restriction of the use of such substances. Studies and proposals were also made as respects the night work of women and children and the limitation of their hours of labor.

CONFERENCE OF BERN, MAY 8–17, 1905.

In the spring of 1905 representatives of 15 European States assembled at the Conference of Bern for the purpose of outlining an international convention to prohibit the use of white phosphorus in the manufacture of matches and also one to prohibit night work of women. The sessions were secret, in compliance with the demand of England expressed through her delegates. It was optional with the conferees to conclude conventions at that time, reserving, of course, the exchange of ratifications by their Governments, to draft, under the scrutiny and approval of technical experts, tentative agreements,

leaving it to the Governments to transform them into conventions by direct negotiation, or merely to draw up nonobligatory resolutions. The second of these three courses of possible action was that unanimously adopted. It is interesting to note that even Belgium, whose representative at the Conference of Berlin (1890) had protested against giving practical effect to the resolutions there formulated, emphatically acceded to the action now proposed. Although the outlines of the agreements in view were prepared with the prospect of their probable revision, it was nevertheless understood that by their signatures the delegates pledged their Governments to a decision on the matter of adherence or nonadherence, with the presumption in favor of their ratification, and the international execution of the measures. This presumption gained additional force from the fact that many Governments had sent to the conference officials or parliamentarians of high rank who favored the project of regulating labor conditions by means of treaties. Therefore in the deliberations of this body there was something more at stake than mere discussion of the international regulation of labor, or the passage of a laudable resolution of recommendation. It was to make the original drafts of labor conventions destined not only to become law in a majority of the nations of Europe as well as in many of their colonial possessions, but also to comprise the first international conventions ever entered into by a number of parties for the avowed and sole purpose of internationally protecting labor. Polypartite conventions or agreements of this kind are manifestly of a higher order than simple bilateral treaties, and are very much more difficult of attainment than the latter.

The conference divided into two committees for the tasks in hand. Considerable difficulty arose with regard to the abolition of white (yellow) phosphorus from industry, due to the competing interests of the different States. Neither of the two late belligerents in the Far East, Japan and Russia, being present, the participation of either of them in the proposed measures was entirely problematical, while at the same time it was recognized that any agreement to restrict the use of white phosphorus, in which Japan was not included, would cause serious prejudice to the trade of England, Hungary, and Norway. An agreement, however, was finally reached by which it would become unlawful, after December 31, 1910, to import, manufacture, or offer for sale matches containing white or, as the Germans termed it, yellow phosphorus, provided all the countries represented at the meeting, and also Japan, should adhere and deposit their record of ratification by December 31, 1907, thereby agreeing to put the convention into actual operation three years after that date, i. e., January 1, 1911. But in this connection the spokesman of the committee

took pains to intimate that failure in the immediate fulfillment of certain of these conditions would not necessarily preclude the ultimate realization of the convention.

The States which refused to sign the phosphorus pact were Denmark, which had observed the failure of such an attempt in certain of its possessions, and Norway, Sweden, and Great Britain. The States adhering were Germany, Austria, Hungary, France, Spain, Belgium, Holland, Luxemburg, Italy, Portugal, and Switzerland.[1]

The agreement as to the night work of women could not be reduced to so concise and brief a statement as its contemporary. The first article placed a sweeping interdiction upon industrial night work for all women, outside specified exceptions. The adoption of this measure presaged radical reform in legislation in many of the countries. Spain prohibited night work of females under the age of 14; Luxemburg and Hungary, of those under 16; Denmark, Norway, and Sweden, of those under 18; Portugal and Belgium, of those under 21. Article 1 designated as subject to this prohibition all industrial enterprises employing more than 10 laborers, excluding such as engaged only members of the employer's own immediate family. The quest for a satisfactory basis by which to delimit the application of the law carried with it no little difficulty, since great dissimilarity prevailed among the standards employed by different countries in reference to the work of women. Great Britain, France, and Holland prohibited the night work of the sex in large and small industries; in Belgium, generally speaking, the statutes forbade it to the young, which was likewise the basis of prohibition in Spain and Luxemburg; in Denmark, Italy, and Portugal prohibitory law in this respect was confined to establishments employing over five workers or using power-driven machinery; in Switzerland it applied to manufactories having more than five workers with power-driven machinery or with employees under 18 years of age, or having more than 10 workers without power-driven machinery; in Austria and Hungary it involved establishments with more than 20 laborers, power-driven machinery, or with labor shifts, etc., while in Germany, Norway, and Sweden still other regulations obtained which were less definite but pertained to enterprises possessing the characteristics of large-scale industry. The committee, after reviewing this diversity in legislation, excluded from the scope of the agreement undertakings employing not in excess of 10 workers on the ground that they supplied the local market only, were not of international concern, and employed but a minor percentage of the total number of women in industry.

[1] The following States had previously passed laws prohibiting or restricting the use of white phosphorus in the match industry: Germany (1903, but to take effect in 1907), France (1898), Holland (1901), Switzerland (1898), Denmark (1874).

The use of power-driven machinery was found to offer no satisfactory basis of demarcation, since the use of small motors and electrical devices had become so universal that the smallest industries and home shops would thereby come under international regulation, while the number of women employees protected would be negligible. Regulation of such small concerns was held to belong to the domain of the individual States. Having thus determined the size of the industrial enterprises to be included, Article 1 next indicated the general classes of business contemplated by the term "industrial enterprise," specifying as included therein mines, quarries, and manufacturing establishments, to the exclusion of purely agricultural or commercial undertakings. The spokesman of the committee explained that the manufacture of raw sugar from beets would be classified as an industrial enterprise, while the hotel business would be without the meaning of the regulation. The precise delimitation, however, of these categories was left to the legislation of each State.

Article 2 stipulated that the legal international night of rest for women was to be of 11 hours' duration, including in all cases the hours between 10 p. m. and 5 a. m. Switzerland had proposed an invariable period of rest extending from 8 p. m. to 6 a. m. The clause adopted leaves it to each nation to arrange certain of the hours of the international night to suit the convenience of its industry, while other hours, viz, from 10 p. m. to 5 a. m., essential to the rest of the worker, are made determinate and obligatory in all countries irrespective of their industrial peculiarities. Thus in spite of its uniformity of regulation, the instrument leaves to each nation the option of fixing the international night at eight or more differing periods of time, namely, 6 p. m. to 5 a. m., 6.30 p. m. to 5.30 a. m., 7 p. m. to 6 a. m., 7.30 p. m. to 6.30 a. m., 8 p. m. to 7 a. m., 8.30 p. m. to 7.30 a. m., 9 p. m. to 8 a. m., 10 p. m. to 9 a. m. Moreover, 11 hours constitute merely the legal minimum; it is optional with each State to extend the period of rest if desired. This elasticity was designed to render the agreement applicable to all countries, and when later at the diplomatic conference in 1906 it was transformed into a convention provisions were added that made for its still greater adaptability in this respect. It should be noted that these observations with reference to the draft apply with equal force to the convention, which subsequently became law between the nations.

The method of defining the international night just described was without precedent. In all the legislation of the States such periods of uninterrupted rest had been established by stipulating the time from a definite evening hour to a definite morning hour; e. g., two States had chosen the hours from 7 p. m. to 5 a. m.; six States from 8 p. m. to 6 a. m.; one State from 8.30 p. m. to 5.30 a. m.; one State

from 8 p. m. to 5 a. m.; four States from 9 p. m. to 5 a. m.; and one State from 9 p. m. to 6 a. m.

The exceptions to the prohibition of women's night work were provided for in section 2 of article 2 and in articles 3–5. For those signatories having no law covering the night work of women, the length of the night's rest could be limited to 10 hours for a transitional period of three years, which would obviously be reckoned from the time of the convention's execution, January 1, 1911, and would consequently extend to January 1, 1914.[1] Exemptions from the operation of the prohibition might also be made in cases of extreme necessity, or when required to avert the otherwise inevitable loss of materials susceptible of rapid deterioration, while for industries subject to the influence of the seasons as well as for any industry under unusual circumstances, the length of nocturnal rest might be reduced to ten hours during sixty days in the year. Moreover, in providing for the deposition of ratifications not later than December 31, 1907,[1] three years subsequent to which the convention would come into force (January 1, 1911),[1] it was stated that in so far as its terms applied to manufactories of raw beet sugar, wool combing and weaving establishments, or open works of mining operations suspended at least four months in the year on account of climatic conditions, the three-year interim between the deposition of ratifications and subsequent execution might be extended to 10 years.

The signers of this draft convention were Denmark, Austria, Hungary, Belgium, Germany, Italy, France, Spain, Luxemburg, Norway, Holland, Portugal, and Switzerland. The representatives of Great Britain declared their lack of authority to sign, but maintained that the British Government shared the sentiments which animated the conference. Sweden's delegates similarly voiced the hope that the principles advocated by the conference would be adopted by their country, perhaps before the expiration of the time provided by the instrument. The United States was not represented in these deliberations.

NEGOTIATIONS AMONG THE POWERS.

In a circular note of June 26, 1905, the Swiss Federal Council proposed to the powers the convocation of a diplomatic conference to enact the preceding tentative agreements into real conventions. Under date of June 14, 1906, another circular letter recorded the results of the proposal, to the effect that favorable replies had been received from Germany, Austria, Hungary, France, Belgium, Denmark, Italy, Luxemburg, Switzerland, and Netherlands. Portugal and Sweden

[1] These dates were later changed to Jan. 1, 1913.

were ready to accede to the agreement that related to the work of women; Norway sympathized with the movement, but was not ready to participate; Great Britain was ready to adhere to the prohibition of the night work of women under certain conditions. In these conditions Great Britain stipulated that all the States engaged in international competition should adhere; that the adherence of other States, in which certain industries might develop, should be made possible; and that there should be a sufficient guaranty that the provisions of the convention would be executed. Furthermore, the British Government asked that some conclusion be arrived at both with respect to the period during which the convention should apply and the feasibility of instituting a standing commission to investigate alleged contraventions of the same as well as to propose whatever amendments chemical or mechanical inventions might make necessary from time to time. With reference to the prohibition of the use of white phosphorus the Government refused to express an opinion.

On June 12, 1906, Mr. Sarrien of the French Cabinet referred to the Bern Conventions in the following language:[1]

"The conflicts between capital and labor are becoming daily more frequent and more acute; they run the risk of affecting adversely the prosperity of commerce and industry, and we believe that it is time to study seriously the means of preventing their return. * * *

"* * * Economic problems are playing each day a more important rôle in the equilibrium of the world, and certain social questions can not be completely solved by national legislation without an international agreement.

"* * * An initial step is being taken in this direction on the initiative of the committee of the International Asssociation for Labor Legislation. A convention has been drafted with a view to insuring the prohibition of the industrial night work of women, as well as the prohibition of the use of white phosphorus in the manufacture of matches. The 5th of last April we announced that the Republic would give its definite and unreserved adherence to that convention.

"We shall seek to extend gradually the sphere of these international agreements on labor questions. Thus, in the social and economic sphere as in the domain of politics properly so called, we shall hope to serve at the same time the cause of the internal peace of the Republic and that of universal peace."

The Swiss note of June 14, 1906, fixed the date of the impending conference for September 17, and the place at Bern. Another note, sent September 4, announced that the Japanese Government would not participate. The note also laid before the Governments the pro-

[1] L. Chatelain: La protection internationale ouvrière, pp. 5, 6.

posal of the British Secretary of Foreign Affairs for the establishment of a permanent international commission whose task it should be to superintend the execution of international labor conventions in conjunction with such duties as the following: (1) To give opinions on disputed points and complaints; (2) to investigate and report facts in the case; (3) as a last resort in cases of dissension, to promote arbitral proceedings at the request of one of the high contracting parties; (4) to consider programs for conferences on industrial questions.

The above proposal was unacceptable to Germany, Austria, Hungary, and Belgium, it being asserted that although representatives of particular countries would have expert knowledge of the systems peculiar to their country, nevertheless the other members of the commission could outvote them at pleasure in the adoption of measures of vital import to those systems and affecting them adversely; and that, besides, the proper method of settling disputed points would be to call further conferences.

DIPLOMATIC CONFERENCE OF BERN, SEPTEMBER 17–26, 1906.[1]

Two conventions were signed on September 26, 1906, by the plenipotentiaries of the contracting States, reserving ratification to their respective Governments. The States signatory to the Convention for the Prohibition of the Night Work of Women were France, Spain, Germany, Austria, Hungary, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Denmark, Sweden, Switzerland, and Belgium. Denmark was to be allowed to postpone the deposit of her ratifications until the Danish factory act of April 11, 1901, should be revised during the autumn of 1910. That Great Britain and Sweden were of the number is to be specially noted, as they did not sign the draft convention in the former conference in 1905; while Norway, a signer of the agreement of 1905, was not among the signatories in 1906.

Nothing contemplated by the agreement of the previous year was excluded from the convention; the latter did, however, amplify, add to, and make more precise the terms of the draft. The first four articles of the two documents were practically identical. Article 5 was a departure; it showed the desire of the envoys to emphasize the obligations inherent in the convention, declaring that it was incumbent upon each of the contracting parties to take the administrative measures necessary to insure in its territory the strict execution of the provisions. In addition to this it stipulated a procedure that might

[1] Actes de la Conférence diplomatique pour la protection ouvrière réunie à Berne du 17 au 26 septembre 1906. Bern, 1906. 175 pp. Caté, Marcel: La convention de Berne de 1906 sur l'interdiction du travail de nuit des femmes employées dans l'industrie. Paris, 1911, 134 [2] pp.

be said to partake slightly of the nature of a sanction; the Governments were to communicate to one another all the laws and regulations upon the subject, then or thereafter in force, and to exchange periodically reports concerning their application. In this way failure to enforce the convention could be readily ascertained by sister States whose joint diplomatic effort might be able to insure compliance with the law.

The convention still further exceeded the earlier draft in specifying the potential scope of its operations, for by Article 6, colonies, possessions, and protectorates could adhere when notification to that effect should be tendered the Swiss Federal Council by the Government of the mother country. Also sovereign powers outside of Europe were mentioned specifically in the provisions of Article 7, while Article 9 provided for admission of nonadhering States. By the aforesaid articles it was endeavored to lend sufficient elasticity to the convention to make it adaptable to peculiar circumstances and conditions that might otherwise preclude its application. For example, upon notifying the adherence of colonies, possessions, or protectorates, the home Government could except from the operation of the law such native works as did not admit of inspection, or, if conditions of climate or native population in dependencies, or States outside of Europe, were such as to make the international night untenable, the period of unbroken rest could be reduced below the established minimum of 11 hours on condition that compensatory rest should be accorded during the day.

The time limit for recording the ratifications was extended from December 31, 1907, to the same date in 1908, leaving an interval of two years instead of three before the time (Jan. 1, 1911) set for the convention's execution. Nonsignatory States could declare their adhesion by an act addressed to the Swiss Federal Council, in which case, as in case of a colony, possession, or protectorate, the interval before execution would be reckoned from the date of adhesion. No party to the convention could lawfully denounce it within 12 years of the closing of its record of ratification, thus guaranteeing it a fair trial. Thereafter, it might be denounced from year to year, the revocation to take effect one year after it had been reported to the Swiss Federal Council by the proper authority.

The powers signing the second convention, respecting the prohibition of the importation, manufacture, or sale of matches containing white (yellow) phosphorus, were Switzerland, Denmark, France, Italy, Luxemburg, the Netherlands, and Germany. Italy, in particular, had much at stake in this move, as she was one of the most important producers of matches. Five States which signed the agreement of 1905 failed to sign the convention. These States were Austria and Hungary, excusing themselves because of the nonadhesion

of Japan; Portugal, because in 1895 it had granted a match monopoly to last for 30 years; Belgium, and Spain. Denmark had not signed the draft, but now adhered to the convention. Norway, Sweden, and Great Britain did not sign on either occasion, although the British delegates signified willingness to adhere if all the others did likewise. By the agreement of the year preceding, the execution of the phosphorus law had been made conditional upon the concurrence therein of all the States represented and Japan, but this condition was not attached to the convention of 1906.

The same stipulation that was placed in the other convention, emphasizing the obligation rigidly to enforce the provisions thereof and mutually to report all official action germane to the matter, was added to this convention by Article 2, while, in further similarity to the first convention, its sphere of application was so extended as to render possible the adherence of colonies, possessions, or protectorates, and States not then signatory. The ratifications of the cosignatory nations were to be deposited by December 31, 1908, and the convention was to come into force three years from that date (Jan. 1, 1912), while for nonsignatory States and dependencies a period of five years was to intervene between the time of notifying their adherence and making good its execution. Also, the provisions for denunciation paralleled those of the first convention, with the one exception that 5 years instead of 12 constituted the period within which it could not lawfully be abrogated by any one of the parties to it.

Into the conference's deliberations relative to the first convention there had been injected a discussion of vital import as to both conventions, as well as to all future similar conventions, which seemed to provoke quite a difference of opinion at the time and to perturb the conference not a little. This concerned the institution of a sanction. English delegates advocated the adoption of the following most clearly defined sanction that up to that time had been proposed for labor conventions signed by several Governments:

"The high contracting parties agree upon the creation of a commission charged with superintending the execution of the provisions of the present convention. This commission shall be composed of delegates of the different contracting States. * * * The commission shall have the function of expressing opinion on litigious questions and complaints which shall be submitted to it. It shall have only the function of authentication and examination. It shall make a report on all the questions which shall be submitted to it, which shall be communicated to the States concerned. As a last resort, a question in litigation shall, on demand of one of the high contracting parties, be submitted to arbitration. In case the high contracting parties should be disposed to call conferences on the subject of the

condition of laborers, the commission shall be charged with the discussion of the program and shall serve as an organ for the exchange of preliminary views.[1]

But this seemed to some to mean the subversion of law and of the administrative powers of the State and to constitute an attack upon the principle of their sovereignty. Indeed, infinite wisdom and great diligence would certainly need to be exercised by a commission appointed to the stupendous task of ascertaining and investigating on an international scale the various industries in which women might be found to be employed at night in contravention of the law. This question of a proper sanction constitutes one of the most difficult and vital problems of the whole movement; for unless the uniform and effective enforcement of international law on labor can be realized, it is evident that it is foredoomed to failure. Representatives of 10 States finally signed a much modified resolution, which proposed the institution of a commission of purely consultative character to which questions or disputed points might be referred and whose duty it would be to give opinions as to similar conditions upon which there might be accepted the adherence of States outside of Europe, as well as of possessions, colonies, and protectorates, where the climate or the condition of the natives demands modifications of detail in the convention. Such a commission might also serve as a medium for convening conferences. Nevertheless, the contracting States would have the right to submit questions to arbitration in conformity to article 16 of The Hague convention, even if the matter had previously been the object of an expression of opinion by the commission.

RESULTS OF THE BERN CONVENTION ON NIGHT WORK.

One month (Oct. 23, 1906) after the foregoing events, the Swiss Federal Government sent to the various powers duplicates of the conventions signed at Bern, and called attention to the fact that the time allowed for depositing ratifications expired December 31, 1908. The Governments were also requested to express their pleasure with reference to the establishment of the permanent international commission of supervisory powers that had been proposed over the signatures of 10 States. The States have never seen fit to create such a commission.

Previous to the ratification of the Bern Convention by the Government of Luxemburg employment in that State in mines, open mining, and quarries had been forbidden entirely to women, while girls under 16 were not allowed employment at night in any industrial establishment at all; otherwise the night work of women had not been prohibited. Now, by adherence to the convention, the prohibition of

[1] L. Chatelain: La protection internationale ouvrière, pp. 118, 119.

night work was extended to all women, and the minimum night's rest, which had been 8 hours long, was increased to 11 hours; thus, the ratification and enforcement of the convention in Luxemburg marked a distinct advance in the protective legislation of that country and serves to illustrate the character of reforms wrought among the signatory powers in general.

Great Britain refused to sign the preliminary draft of the agreement on the subject of the night work of women, drawn up in 1905, but did sign the convention in 1906. By an act under date of August 9, 1907, the English Parliament repealed sections of the Factory and Workshop Act and of the Coal Mines Regulation Act of 1887 conflicting with the Bern Convention on night work. Denmark, Spain, Italy, and Sweden, not having deposited their ratifications before Decemer 31, 1908, entered into an agreement with the remaining signatory States by which these four nations gained the privilege equally with those States that did not sign the convention (see Art. 9) to notify their adhesion at a subsequent date. Although special exception had previously been made for Denmark, she never gave notice of adherence. Spain, also, never ratified the convention, but by an act of July 11, 1912, she prohibited, after January 14, 1914, night work in shops and factories by married women and widows with children. As regards unmarried women and childless widows, the number of such employees is to be gradually reduced by 6 per cent every year until January 14, 1920; from this date the night work of women is to be entirely prohibited. Under the special provision, Italy adhered by an act addressed to the Swiss Federal Council, December 29, 1909, and Sweden did similarly under date of January 14, 1910. The bill relating to Sweden's participation had been rejected by both chambers of the Government in 1908, and it was again reported unfavorably by the committee in 1909; but this time it was passed by both chambers in spite of the committee's adverse report. The acts of Sweden illustrate the manner in which exceptions may be legally taken to the convention. Two proclamations (June 9 and Aug. 11, 1911) allow exemptions in the preparation of preserved fruit and vegetables and in the salting of herring, in pursuance of the act (Nov. 20, 1909) prohibiting the night work of women, which in conformity to the terms of the international convention on the subject empowers the Government to make exceptions to such prohibition as to the preparation of materials subject to rapid deterioration.

In a circular note of March 19, 1909, the Swiss Federal Council put forward the proposal that the period of time provided for compliance with the terms of the convention should be computed from January 1, 1909, in the case of States which deposited their ratifica-

tions within the limit prescribed. This was to interfere in no way with the later adherence of other parties. The proposition involved considerable correspondence and, not meeting with the unanimous consent of the States, failed. The Belgian and French Governments suggested that the period of two years, at the immediate close of which the convention was to be brought into force, should be reckoned from January 14, 1910. On this date had occurred the adhesion of Sweden, the last of 12 States to ratify the instrument. The Federal Council interpreted the proposal as meaning also that the period of 10 years reserved for sugar-beet factories, woolen mills, etc. (see Art. 8), should extend from the same date, which would thus determine a uniform time for the convention's execution by every one of the States that had ratified, in spite of the different dates of their adhesions. To this proposition the Federal Council gave its assent (note of Apr. 9, 1910) with the hope that it would be found acceptable by the States which were to be consulted in the matter, i. e., Germany, Austria, Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, and Sweden. All except Spain and Denmark expressed approval, and thus it was decided that the convention should go into operation January 14, 1912, in the case of the dozen States which had adhered on or before January 14, 1910.

This convention prohibiting night work to women has been adhered to by the following countries and colonies:

Country.	Date of adherence.[1]	Date of coming into force.
Germany	Dec. 31, 1908	Jan. 14, 1912
Austria	do	Do.
Hungary	do	Do.
Belgium	do	Do.
France	do	Do.
Great Britain	do	Do.
Luxemburg	do	Do.
Netherlands	do	Do.
Portugal	do	Do.
Switzerland	do	Do.
French colonies:		
Algeria	Mar. 26, 1909	Do.
Tunis	Jan. 15, 1910	Jan. 15, 1912
British colonies:		
Ceylon	Feb. 21, 1908	Jan. 14, 1912
Fiji Islands	do	Do.
Gibraltar	do	Do.
Gold Coast	do	Do.
Leeward Islands	do	Do.
New Zealand	do	Do.
Northern Nigeria	do	Do.
Trinidad	do	Do.
Uganda Protectorate	do	Do.
Italy	Dec. 29, 1909	Do.
Sweden	Jan. 14, 1910	Do.

[1] Dec. 31, 1908, was the prescribed time limit for adherence fixed by the convention.

Spain has not given notice of her adhesion to the convention, but has nevertheless prohibited the night work of women. Greece passed a law by which the prohibition of the night work of women was

decreed on January 24 (Feb. 6), 1912, satisfying in all respects the conditions of the Bern Convention, although Greece is not a party to it. Night work was forbidden to women in Japan and India in 1911, but in the former State the regulation applies only to establishments with more than 15 workers and the night's rest need be only of six hours' duration, while in India the law does not in general apply to establishments which do not employ more than 49 persons at any time of the year.

In 1905 the prohibition or lack of prohibition of the night work of women stood as follows:

1. States without prohibition: Japan. (Estimated number of unprotected female employees, 250,000.)

2. Night work allowed on a basis similar to the regulations governing day work: South Australia, California, Illinois, Louisiana, Maine, Maryland, Michigan, Minnesota, New Hampshire, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia. (Unprotected females over 16 years of age in the United States 227,000.)

3. Limitation of the day work of women to 11 hours and the night work of girls between 14 and 16 to 8 hours: Spain.

4. Prohibition of night work to young persons only: Belgium, Portugal, Denmark, Sweden, Finland, Norway, New South Wales, Hungary, Luxemburg, Ohio, Georgia, Wisconsin. (Estimated number of unprotected female employees in the above States 350,000.)

5. Night work of women prohibited in certain kinds of occupations: (*a*) Mines and textile industries, Russia; (*b*) factories, mines, blast furnaces, Austria (Provinces represented in Reichsrath), East Indies (for establishments employing over 50), Luxemburg, Finland, Sweden; (*c*) factories, mines, blast furnaces, and shops with motor power: Germany, Switzerland (for establishments employing over five workers).

6. Prohibition of night work of females in establishments without motor power but which employ over five laborers: Denmark, Portugal, Ontario; four laborers, Victoria; three laborers, Canton of Basel (city); two laborers, Queensland, New Zealand, Cantons of St. Gall and Glarus; one laborer, Cantons of Zurich, Bern, Lucerne, Solothurn, Aargau, Neuchatel.

7. Prohibition of the night work of women in principle, subject to exceptions: Great Britain, Switzerland, Germany, France, Holland, Austria, Russia, Italy (beginning with 1907), Manitoba, Quebec, Nova Scotia, Queensland, Victoria, New Zealand, East Indies, New York, New Jersey, India, Massachusetts, Nebraska.

The following are at the present time nonsignatory States in respect of the Bern Convention on woman's night work:

1. Europe—Denmark, Greece, Liechtenstein, Monaco, Norway, Roumania, Russia, Finland, and all the Balkan States.

2. Africa—Abyssinia, Kongo, Egypt, Union of South Africa, Rhodesia, Bechuanaland, Swaziland, Zanzibar, Liberia, the German and Portuguese colonies, Madagascar, Morocco, Reunion, Senegal.

3. Asia—All States and colonies with the exception of Ceylon.

4. America—All States excepting Trinidad and the Leeward Islands.

5. Australia and Polynesia—All States excepting New Zealand and Fiji.

RESULTS OF THE CONVENTION PROHIBITING THE USE OF WHITE PHOSPHORUS.

For the six States which deposited their ratifications within the prescribed term and without reservation the time fixed for the execution of the convention was January 1, 1912. Italy alone of the seven signatories failed in this respect, but she was allowed to adhere later. Although Great Britain had not signed the convention at Bern, she gave notice of adhesion December 28, 1908.

The following have subscribed to the convention prohibiting the use of white (yellow) phosphorus in the manufacture of matches:

Country.	Date of adherence.[1]	Date of coming into force.	Country.	Date of adherence.[1]	Date of coming into force.
Germany	Dec. 31, 1908	Jan. 1, 1912	British colonies—Concluded.		
Great Britain and Ireland	Dec. 28, 1908	Dec. 28, 1913	Gibraltar	Jan. 4, 1910	Jan. 4, 1915
Denmark, including the Faroe Islands and Danish Antilles	Dec. 31, 1908	Jan. 1, 1912	Malta	do	Do.
			Mauritius	do	Do.
			Seychelles	do	Do.
			Southern Nigeria	do	Do.
France	do	Do.	Uganda Protectorate	do	Do.
Luxemburg	do	Jan. 14, 1912	Northern Nigeria	Feb. 24, 1910	Feb. 24, 1915
Netherlands	do	Do.	Leeward Islands[2]	Mar. 26, 1910	Mar. 26, 1915
Switzerland	do	Do.	Fiji Islands	June 20, 1910	June 20, 1915
French colonies:			Gambia	Oct. 22, 1910	Oct. 22, 1915
Somali Coast	Nov. 26, 1909	Nov. 26, 1914	Gold Coast	do	Do.
Reunion	do	Do.	Sierra Leone	do	Do.
Madagascar and dependencies	do	Do.	Union of South Africa	Retroactively from May 3, 1909.	May 3, 1914
French West Africa	do	Do.			
Settlements in Oceania	do	Do.	Canada	Sept. 20, 1914	Sept. 20, 1919
New Caledonia	do	Do.	Bermuda	Dec. 19, 1910	Dec. 19, 1915
Tunis	Jan. 15, 1910	Jan. 15, 1915	Southern Rhodesia	Feb. 20, 1911	Feb. 20, 1916
British colonies:			New Zealand	Nov. 27, 1911	Nov. 27, 1916
Orange River Colony	May 3, 1909	May 3, 1914	Italy	July 6, 1910	July 6, 1915
Cyprus	Jan. 4, 1910	Jan. 4, 1915	Dutch Indies	Mar. 7, 1910	Mar. 7, 1915
East Africa Protectorate	do	Do.	Spain	Oct. 29, 1909	Oct. 29, 1914
			Norway	July 10, 1914	July 10, 1919

[1] Dec. 31, 1908, was the prescribed time limit for adhesion fixed by the convention.
[2] Orders prohibiting the use of white phosphorus in the manufacture of matches were issued by the Presidencies of the various Leeward Islands during the latter half of 1910.

The manufacture and sale of white phosphorus matches has been prohibited in Victoria, Western Australia, Tasmania, and New South

Wales. The United States has placed a prohibitive tax on such matches and prohibited their importation and exportation.

The following are countries permitting the manufacture of phosphorus matches:

1. Free manufacture: (*a*) In Europe: Belgium, Russia (subject to a differential tax on white phosphorus), Sweden (prohibition of their sale in Sweden), Turkey; (*b*) outside Europe: all Asiatic States (with the exception of Cyprus and the Dutch and East Indies), America (with the exception of the United States, Canada, the Danish and British Antilles, and Mexico), Abyssinia, Egypt, Zanzibar.

2. Countries with State monopoly: Bulgaria, Greece, Portugal, Roumania (State monopoly, but with use of sesquisulphide), Serbia.

Of the above only Japan and Sweden are of any considerable importance as exporting countries.

In answer to a Swiss circular letter (July 17, 1911) asking whether the importation of sample matches made with white phosphorus should be forbidden the replies were as follows:

Affirmative.	Negative.
Great Britain.	Germany.
Italy.	Netherlands.
Denmark.	Luxemburg.
France.	
Spain.	

The replies in the negative are a fair example of those differences of opinion which make the questions of interpretation and sanction such intricate and vital problems in international law. Is the word *introduction* in the French version of the convention merely to be interpreted as "introduction" for industrial purposes rather than in the strict sense of "importation," and consequently is the importation of sample phosphorus matches to be condemned? It would be interesting to understand the object of importing sample cases of phosphorus matches whose "introduction," "manufacture," and "sale" within the realm is forbidden.

SECOND INTERNATIONAL PEACE CONFERENCE AT THE HAGUE, AUGUST, 1907.

In 1907 the Portuguese delegation at the Second International Peace Conference at The Hague proposed to replace article 16 of the Hague Convention with a new article, by which, among other things, disputes with respect to the interpretation or application of international labor agreements would in all cases be subject to compulsory arbitration as a last resort; in other words, such agreements would be outside the purview of that section (sec. 16A of proposed article replacing art. 16), which in reality made each nation the final

judge of what it would submit to arbitration, and which read as follows: "* * * it is the exclusive function of each contracting power to determine whether any difference which has arisen affects their essential interests or their independence and, accordingly, whether such dispute is of such a nature that it is excluded from arbitration." The proposal of the delegation was not adopted.

As long as nations reserve the right on every question to determine whether or not it so affects their national interest or honor as to preclude its arbitration, the way is clear for them to find in every dispute elements that waive the obligation of arbitration; for there can be no difference of opinion important enough to make arbitration desirable that can not be construed by one of the parties as a menace to its national interests or independence if it has the inclination to do so.[1] But unlike disputations in the realm of politics, labor contentions are not apt to be of a character intrinsically involving fine points of national honor. An agreement between nations to submit, when all other peaceable attempts fail, differences arising out of labor conventions to compulsory arbitration would certainly be a notable step in advance. The arbitration would be rendered compulsory by the species of the agreement in dispute. Should an award of a tribunal on such a question be found to consign a nation to extinction, is it not reasonable to suppose that the victim would still find just as great opportunity to undertake means for self-preservation as would have been the case had it not submitted the matter to arbitration in the first place?

BERN CONFERENCE, SEPTEMBER 15–25, 1913.

Delegates to the sixth biennial meeting of the International Association for Labor Legislation, held at Lugano, Switzerland, in 1910, took measures designed to prepare the way for a second series of international conferences to draft international conventions prohibiting the night work of young persons entirely, and also the day work of women and young persons in excess of 10 hours. This led the bureau of the Labor Office to prepare a program to serve in case a confeence should be called to outline such agreements, and by a Swiss circular letter of January 31, 1913, this program was submitted to the States invited to support the project, viz, Germany, Austria, Hungary, Belgium, Bulgaria, Denmark, Spain, France, Great Britain, Greece, Italy, Luxemburg, Norway, Netherlands, Portugal, Roumania, Russia, Serbia, Sweden. In consequence, delegates from the above States, with the exception of Serbia, Roumania, Luxemburg, Greece, and Bulgaria, assembled with the representatives of Switzerland at Bern, September 15, 1913.

[1] J. B. Moore: "The peace problem," in the Columbia University Quarterly, vol. 18, No. 3, June, 1916, pp. 222, 223.

The tentative agreements whose later transformation into conventions by an international diplomatic conference, in conformity with the precedent set by the Bern Conventions of 1906 was intended, followed in general the program worked out by the bureau, but varied from it in a number of respects by reason of both additions and subtractions. The first agreement, prohibiting night work to young persons, received the signatures of delegates from Switzerland, Sweden, Portugal, Holland, Norway, Italy, Great Britain, Germany, France, Spain, Belgium, Hungary, and Austria. According to the principles that were adopted and made applicable to all concerns where more than 10 persons were employed, the prohibition was to be general for employees under 16 years of age and absolute for all under 14. Industrial undertakings were defined in the same sense as industrial enterprises in the Bern Convention respecting the work of women, and the night of rest prescribed for young workers was also to be the same as the international night of 11 hours fixed by that convention. Certain exceptions to this last rule, however, were allowed—for coal and lignite mines, for bakeries, and for colonies, possessions, protectorates, or extra-European countries, where climate or the condition of native population might require a different regulation; but in all such cases the shortening of the night period of rest was to be compensated for by rest in the daytime. Moreover, work during the night by individuals over 14 years of age might be allowed when public interest demanded it, or in case of unexpected events when there occurred an interruption in business impossible to foresee and nonperiodic in character. In so far as this agreement might be found to afford better protection to girls under 16, it was to supersede the convention of 1906 on night work. The proposed convention was to come into force two years after the closing of the record of deposit except as its execution might be delayed for 10 years in respect to employees over 14 years of age in specified processes in glass works, rolling mills, and forges; in the meantime, however, young persons engaged in these processes were not to be exposed to any special risk or danger.

These provisions were not the exact counterpart of recommendations made by the bureau of the International Labor Office in the program submitted by it. It had proposed to prohibit the work in question to young persons under 18 instead of under 16; by way of special exceptions for States in which similar regulations had not previously existed, it had contemplated a period of transition in which night rest for young people between 16 and 18 could be legally limited to 10 hours instead of extended to the required length of 11 hours; among the exceptions pertaining to workers over 14, provision had been made for the suspension of the prohibition in case of the

manufacture of raw materials susceptible of rapid deterioration or otherwise unavoidable injury; and for seasonal industries a way was to be left open whereby the period of uninterrupted night rest could be reduced to 10 hours 60 times a year under extraordinary circumstances. The period for bringing the agreement into force in glass and steel industries was fixed at 5 years for workers over 16 instead of at 10 years for workers over 14. None of these proposals found its way into the draft sanctioned at Bern.

The second of the draft conventions concerned the determination of a working-day for women, and for workers under 16, and, with the exception of Norway, it was signed by the same countries as signed the former agreement. As regards the program that the bureau had submitted, the age limit for young workers was changed by the conference from 18 to 16, while the principles in general were amplified and made much more specific in detail. The prospective convention stood for a 10-hour day, but allowed some latitude by fixing a maximum of 60 hours of work per week with the length of no single workday to exceed 10½ hours. The definition of industrial undertakings and the size of the establishment necessary to include the same within the scope of the proposed convention were identical with the determinations in the other agreement. Hours of work were to be interrupted by one or more rest periods, one of which, at least, was to occur immediately after the first six hours of work; in cases where work was not of more than six hours' duration, no break would be necessary. Extension of the prescribed workday was to be permitted when public interests demanded it, and also under the following circumstances: In cases involving an interruption of manufacture impossible to foresee and not of periodic nature, in cases where raw materials might otherwise be subjected to rapid deterioration or loss, and in seasonal industries as well as in any industry under exceptional circumstances. Total work, including overtime, even in case of the above exceptions outside of "public interest," was not to exceed 12 hours a day, save in fish, vegetable, and fruit-canning establishments, and overtime was not to exceed 140 hours per year except in the industries first mentioned, together with manufactories of brick, tiles, clothing, feather articles, articles of fashion, and artificial flowers, all of which might if necessary extend overtime to not over 180 hours per calendar year. Nevertheless, in no case, not even in any of the above exceptions outside of "public interest" and "force majeure," was the working day to be extended for young workers under 16.

The agreement would come into force two years after closing the record of the deposing of ratifications; however, for manufactories of raw sugar from beets, of machine-made embroidery, and in textile

mills for spinning and weaving the interval might be extended from two to seven years, while in States where it was the custom to require 11 hours of work of women and children the postponement of the execution of the agreement might be equally prolonged under certain conditions specified.

These draft conventions, having been approved by the conference, were submitted to the Governments interested by a Swiss communication dated September 29, 1913. Several weeks later (Dec. 30, 1913), another letter to the same States and including Luxemburg, whose delegate had been unavoidably detained from the conference, conveyed the protocol of the meeting. The same letter proposed September 3, 1914, as the date for holding an international diplomatic conference to transform the drafts into real conventions. A later note (July 14, 1914) stated that the conference could be considered as assured in view of the favorable replies anticipated and already received, although Russia had intimated dissatisfaction with the agreements, declaring them unsuited to her conditions of industry, and therefore not of a character to make it desirable for her to participate. Norway also had refused to take part, asserting that her own legislation conferred more extensive protection than that offered by the conventions proposed, and that a bill then pending promised a further extension of her protective law. In conclusion, the Swiss note recommended that the method of procedure at the Diplomatic Conference of Bern in 1906 be followed in the coming meeting; also that certain sections of the convention of 1906 pertaining to women's work be included in the agreement on night work under consideration, and that editorial improvements be made in the wording of the text of the proposed conventions. The subsequent political situation created by the starting of the World War, July 31, 1914, obviously made it advisable to postpone the conference indefinitely.

CHAPTER VII.—PROTECTIVE LABOR TREATIES.[1]

FRANCO-ITALIAN TREATY, APRIL 15, 1904.

At the second meeting of the International Association for Labor Legislation at Cologne (Sept. 26–27, 1902), representatives of the French and Italian Governments entered into informal negotiations with a view to concluding a labor treaty. The matter, which had already been discussed, did not become the subject of immediate action. For a year and over it dragged along until the preliminaries having been completed, on April 15, 1904, it became the first of a new order of treaties reciprocally insuring the protection of workmen. By its terms Italians working in France received, in effect, the promise that they would enjoy benefits of French labor legislation theretofore denied to foreigners, while Italy agreed to introduce certain of the superior methods of labor regulation in use by her neighbor. The advantages reciprocally derived were not identical, a fact which is of importance in considering the question of international regulation. France benefited in that a competitor became subject to certain restrictions upon industry, and Italy profited by the increased protection to be accorded to her laboring classes, in the first instance, by herself. It would be interesting to learn whose was the greater gain. This is not, however, a complete statement of the situation.

By its preamble the two general purposes of the treaty were presented as follows:

(1) To grant to nationals of either country employed in the territory of the other reciprocal banking accommodations and advantages of social insurance.

(2) To guarantee the mutual maintenance of protective labor measures already enacted, and cooperation in the advancement of labor legislation.

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[1] Bauer, Stephan: Fortgang und Tragweite der internationalen Arbeiterschutzverträge. (In Annalen für soziale politik und gesetzgebung. Berlin, 1914. Vol. 3, No. 1–2.) Chatelain, L.: La protection internationale ouvrière. Paris, 1908. 224 pp. Francke, Ernst: International labor treaties. (In Economic Journal. London, June, 1909. V. 19, pp. 212–223.) Francke, Ernst: Der internationale Arbeiterschutz; vortrag gehalten in der Gehe-Stiftung zu Dresden am 21 November 1903. Dresden, 1903. 36 pp (in Jahrbuch der Gehe-Stiftung zu Dresden. Dresden, 1904. Vol. 10, pp. 37–70). Francke, Ernst: Die internationalen Arbeiterschutzverträge. Soziale Praxis, Berlin, 1914. Vol. 23, No. 37. Jay, Raoul: La protection légale des travailleurs (2d ed.). Paris, 1910. 436 pp. Mahaim, Ernest: Le droit international ouvrier. Paris, 1913, viii, 385 pp. Pic, P.: La protection légal des travailleurs et le droit international ouvrier. Paris, 1909. 172 pp. Potter, D. S.: The movement for international labor legislation (in Economic Journal. London, Sept., 1910. Vol. 20, pp. 347–357). Reichesberg, Naum: Der internationale Arbeiterschutz in den letzen 12 Jahren. Bern, 1913. Sinzot, Ignace: Les traités pour la protection des travailleurs. Louvain, 1911. 231 pp.

The positive results accomplished by the treaty were the establishment of precise and effective rules for reciprocal privileges in the use of banks and an important obligation on Italy's part in the matter of labor inspection, but beyond that the treaty laid down only general principles to regulate negotiations for future agreements.

It permitted the nationals of either country to transfer deposits without charge from the French National Savings Bank to the Postal Savings Bank of Italy or vice versa, and funds thus transferred became subject to the rules of the receiving bank as to the deposits of its country's citizens. This was the only outstanding provision whose terms of reciprocity were identical and which was made executory by the terms of the treaty. The other article, the application of which was not left wholly contingent upon future circumstances, was Article 4. In this Italy promised to complete throughout her kingdom a system of labor inspection affording, for the application of the law, guaranties analogous to those of the French system, the system to be organized with respect to the objects of its special care, i. e., women and children, along four general lines as follows:

(1) Prohibition of night work.
(2) Age for admission to work.
(3) Length of the workday.
(4) Requirement of a weekly period of rest.

Italy's engagement was an admission of the inadequacy of labor inspection within her territory. In the enactment of a prohibitory law regulating the night work of women and fixing the age limit for the classes to whom such work was forbidden Italy had been far behind France, while legislation concerning the age limits for the admission of children into factories had beeen similarly lacking. Differences also prevailed in the law respecting the workday, Italy permitting a longer day of work for women and children than France, but conditions as regards weekly rest were more nearly equal. The former country decreed such rest for all children under 15, the latter for children under 18, and both for all women. The Italian Government agreed by Article 4 of the treaty to study the means of reducing the daily work of women, and each Government promised to publish an annual detailed report on the application of statutes and regulations governing child and female labor. By comparison and improvement of legislation it was anticipated that glaring dissimilarities in the labor laws of the two countries would gradually disappear, and so the way for the conclusion of future agreements would be prepared.

The greater part of the treaty was in the nature of proposals; in other words, it outlined legislation for enactment in future treaties. In Article 1, on the subject of bank transfers, provision was made

whereby by future agreement the private banks of one country might transfer funds to those of the other, if not gratuitously, at least at reduced rates. The private banks contemplated were those of industrial centers and frontier towns. It was desired that investments by nationals of one country in savings institutions of the other should receive especially favorable treatment at the hands of the contracting Governments.

With reference to workmen's insurance or pensions, the principle was laid down that the part of the benefit due as a result of premiums paid or deposits made was to be surrendered to the worker upon his withdrawal from the undertaking in which he was insured; otherwise, although an enterprise in France could demand equal insurance premiums from French and Italian laborers, it might refuse to make any return, in the event of the foreigner's withdrawal, as a consideration for the protection relinquished and the payments already made.

Three elements enter into workmen's insurance as provided for by the treaty:

(1) The contribution of the laborer.

(2) The contribution of the employer, regarding which it was merely stipulated that there should be reciprocity of regulation between the countries.

(3) State subventions, the benefits of which were to be enjoyed only by the State's own citizens. A country could subsidize a citizen's pension acquired from an institution of the other country if it chose to do so.

Pensions acquired in one State were to be made payable in the other through the medium of insurance institutions and postal service. For employees engaged alternately in France and Italy, and thus prevented from fulfilling the requisite conditions for insurance in either country, there was to be devised a special system under which pensions could be made to accrue to such workmen.

In case accident befell a laborer of either country, working in the territory of the other, he or his assigns were to be entitled to accident benefits on equal terms with the subjects of the country in which the accident occurred. This was the principle so earnestly debated and advocated throughout the Delegates' Meetings of the International Association and destined to be incorporated in a noteworthy series of treaties on accident insurance. Certain laws of France involved a direct departure from this principle. By the law of April 9, 1898, a foreign laborer, the victim of an accident, upon ceasing to reside in French territory was obliged to accept a sum equal to three times the amount of his annuity in lieu of all further pensions; and by act of March 31, 1905, the same principle was retained, with the provision that a foreign insuree's assigns might receive compensa-

tion even if they ceased to reside on French territory. If, however, the assigns were not resident in France at the time of the accident, they had no right to claim compensation. Fortunately the law of 1905 allowed for the modification of these provisions in pursuance of reciprocity treaties on accident insurance, and so safeguarded the possibility of the realization of this principle as advocated by the treaty of April 15, 1904.

In case of the establishment of insurance against unemployment in both countries, an agreement was contemplated by which Frenchmen and Italians working in the territory of either contracting party might share the privileges of such insurance.

In cases where these agreements provided for by Article 1 should become established, they were to be binding for a period of five years only; thereafter, they might be abandoned upon one year's notice, or be renewed from year to year by tacit consent. Thus provision was made for unforeseen circumstances, which might work either abrogation or revision of the measures if time rendered their original forms undesirable.

An abuse which for some time had attracted the attention of governmental authorities was the employment in French industries of Italian children below the legal age. These children were furnished with work certificates falsifying their ages by men who made a business of supplying such labor to employers. To set on foot measures to stop the evil and prevent its recurrence, Article 2 of the treaty provided for governmental certification of the documents involved and a rigid inspection, protecting reciprocally young workers of either country when employed in the other. The plan was also suggested of forming protective committees in those districts where large numbers of young foreigners were employed which should include in their membership as many compatriots of the young workers as possible. Because of the small number of French children employed in Italy, this provision became of benefit principally to the much larger number of young Italian laborers in French territory.

On the occasion of an international labor conference in which one of the contracting parties took part, the other was to feel duty bound similarly to participate, according to the engagement of Article 3 of the treaty.

By Article 5 each party reserved the right to withdraw from the compact at any time, by making known its intention one year in advance. Occasion for withdrawal would be found in failure to enforce the systems of inspection prescribed or to respect the obligations assumed in reference to protective law for women and children (see art. 4, par. 2), or in any gross violation of the spirit of the instrument, as, for example, the curtailment of protective law covering

the subjects treated. A protocol was attached which specified by name the laws of both France and Italy whose proper execution was made compulsory by the terms of the instrument, and named the bodies in each country competent to interpret it in its relation to the laws and to judge as to whether occasion for its annulment had been given by the other party.

SWISS-ITALIAN TREATY, JULY 13, 1904.

On July 13 of the same year, Italy and Switzerland signed a commercial treaty containing an article whose provisions were to be made effective by a separate act independent of the execution of the rest of the treaty. This article (No. 17) authorized the mutual investigation on the part of the contracting powers of the question of workmen's insurance, with the object of according equivalent advantages in so far as possible to the citizens of each country working in the territory of the other. It is clear that this contemplated some such arrangement as that provided for by the Franco-Italian treaty on the subject, although that treaty announced the principle of the equality of treatment of foreigners and citizens, while this merely specified reciprocity in the treatment of foreigners.

GERMAN-ITALIAN TREATY, DECEMBER 3, 1904.

In December, 1904, Italy concluded with Germany a commercial treaty identical in its terms with article 17 of the Swiss-Italian treaty. This action would seem to presuppose an intention upon the part of Italy to make radical improvement in her insurance system, for were Germany to accord to Italian workmen within her realm insurance advantages equal to those enjoyed by her own subjects and then to demand that Italy give German subjects on Italian soil equally favorable privileges, a much heavier burden would be imposed upon Italy than upon Germany.

Compulsory insurance against disease had been established in Germany as early as 1883, employees meeting two-thirds of the expenses of the system and employers one-third. Compulsory accident insurance had been introduced by a law of 1884, under which employers became members of insurance associations and were obliged to defray the cost of all indemnities. In 1889 there had been organized an insurance system against sickness and old age, to which all salaried persons over 16 years old not having an annual income in excess of 1,000 marks were compelled to subscribe. Invalidity benefits were paid in case of need, and a pension at the age of 70 if payments had been made for a period of 30 years. The funds were derived partly from contributions of employees, who were divided into five wage groups paying different premium rates; partly from employers who dupli-

cated the premiums of the employees; and the rest from the State, which made an annual donation of 50 marks for each pension. By way of comparison, we may note that in 1910 France established an insurance system for laborers receiving less than 3,000 francs, which, like Germany's, derived its support from contributions of employees, employers, and the State, but which made 65 instead of 70 the pensionable age. This scheme also included sickness insurance for certain classes. The French system has both compulsory and voluntary features, but in both France and England, as well as in Germany, the burden of compensation for accidents falls entirely upon the employers.

Italy's system of insurance was very inadequate, invalidity and old-age insurance being noncompulsory in character, although accident insurance was obligatory. A State system largely voluntary in character could hardly possess much stability and certainly could not accord to German workmen in Italy the same guaranties that could be granted to Italian laborers in Germany. The self-imposed task that Italy contemplated was not a small one.

GERMAN-AUSTRO-HUNGARIAN TREATY, JANUARY 19, 1905.

In a commercial treaty between Germany and Austria-Hungary of January 19, 1905, an article of practically the same nature as that of the two preceding treaties was included. In addition to specifying the need of reciprocity in the matter of insurance, it took up the broader subject of reciprocity "in respect of the protection of labor." For Austria and Hungary, as for Italy, the contracting of a labor treaty with Germany would require general improvement in their protective labor systems. Austria possessed compulsory accident insurance supported by laborers and employers, and had also compulsory sickness insurance. Hungary did not have general regulations covering accident insurance, but had a special system for agricultural workers which was obligatory in respect to accidents and voluntary in respect to invalidity, paying benefits in case of death, old age, or incapacity.

LUXEMBURG-BELGIAN TREATY, APRIL 15, 1905.

It remained, however, for the Kingdom of Belgium and the Grand Duchy of Luxemburg to devise the first insurance treaty which specified, in addition to general aims, practical means for their realization; in other words, instead of speculating upon possible law, it laid down the law, and thereby gave to a long discussed principle its first practical international application. As between the signatory countries, it provided that subjects of one State injured through an industrial accident within the territory of the other should be entitled

to the same compensation and guaranties as subjects of the State within which the injury was received, exception being made in case of laborers injured when employed temporarily, i. e., for not more than six months, by a business concern whose headquarters were located in the State that was not the scene of the accident. In such cases the insurance law of this latter State would be applicable. By a supplementary agreement of May 22, 1906, the terms of this exception were specified as being applicable to persons employed by transport lines and working intermittently, but regularly, in the country other than the home of the enterprise. Aside from these exceptions, all persons were to be eligible to receive insurance benefits in the foreign State who would have been eligible to such benefits had the accident occurred in their native State. As regards documents, stamps, records, etc., advantages and exceptions incident to the insurance administration of one State were to be equally applicable to the administration within its confines of the law of the other State, while the magistrates of the contracting parties were pledged to lend reciprocal assistance in execution of the law. Ratifications were to be exchanged in Brussels as soon as possible, and the treaty was to go into effect 10 days after its official publication and to be terminated one year after the day of its denunciation by either party. By an act of May 12, 1905, the Government of Luxemburg was empowered to modify laws of the realm when necessary in order to put into operation an international agreement aiming at reciprocity in insurance administration. The ratifications of the treaty were exchanged October 25, 1905.

GERMAN-LUXEMBURG TREATY, SEPTEMBER 2, 1905.

The next treaty on accident insurance, signed by the German Empire and the Grand Duchy of Luxemburg during the same fall, contained, among other things, the same exception as that which was stipulated in the Belgian-Luxemburg agreement. Employees of an enterprise extending its operations from one country into the other for a period of not over six months at most remained subject to the accident insurance legislation of the State in which the enterprise was domiciled, even if the accident occurred in the other State. Employees in forestry and agricultural pursuits were excluded by this arrangement but railroad employees were specifically included. If dispute arose as to what laws were applicable, the decision rested with the authorities of the State in which the headquarters of the business firm involved in the accident were located; i. e., in Germany with the Imperial Insurance Office, and in Luxemburg with the Government. A decision by either authority was final and binding upon insurers of the other country. To guard the party entitled to compensation

against injustice from delay arising from uncertainty as to what statutes applied in a given case, the original insurers were to take care of such party until it should be determined upon whom the burden of compensation was ultimately to fall. Other points of minor interest were covered, including rules that were to govern in case an establishment so changed its place of operation as to pass from the accident insurance laws of one country to those of the other.

FRANCO-ITALIAN TREATY, JANUARY 20, 1906.

Early in the year 1906 the Franco-Italian treaty of 1904 began to show results. It had introduced reciprocity in the transfer of funds without charge between the national banks of the two countries and had proposed a similar arrangement between the private banks of the two countries located in industrial centers or frontier towns. To give effect to this proposal, an agreement was completed January 20, 1906, whereby deposits to the amount of 1,500 francs could be transferred without expense between the private banking institutions of these countries. The moneys transmitted were to become subject in such matters as interest to the regulations of the receiving banks, while international post-office money orders were to be the medium of transfer and to be exempt from tax. Ratifications were exchanged at Paris, December 11, 1906.

FRANCO-BELGIAN TREATY, FEBRUARY 21, 1906.

The Franco-Belgian treaty was practically the same as the Luxemburg-Belgian treaty. Subjects of one of the contracting parties meeting with an industrial accident in the territory of the other were to have the same guaranties and compensation as were provided for the citizens of the State in which the accident occurred. The principle of the equality of treatment of foreigners and citizens applied also to dependents of the injured parties. This created an exception to the French law of 1905, which denied to dependents of foreigners equal rights with those of Frenchmen. Also, as in the other treaty, temporary employment of not over six months' duration was excepted, attention being called to the fact that this exception included persons engaged in transportation enterprises and employed intermittently, whether regularly or not, in the country other than that where the undertaking had its domicile. In case of accident under these circumstances, the law of the actual domicile of the undertaking applied. The treaty was to take effect one month after its official publication. Ratifications were exchanged June 7, 1906.

A note of March 12, 1910, enlarged upon article 4, which had merely authorized the authorities of France and Belgium to lend mutual aid

in reciprocal execution of the engagement. This note, which was not to come into operation until three months after it was signed, required the signatory States, upon the termination of an inquiry in respect of an accident, to give notice to the proper consular authority in order that he might take cognizance thereof in behalf of the interested parties.

NATIONAL ACCIDENT INSURANCE ACTS,[1] 1901–1906.

Notifications of the German Federal Council, under dates of 1901, 1905, and 1906, concern another phase of the international regulation of accident insurance. The notification of June 29, 1901, set aside in favor of Italian and Austro-Hungarian subjects provisions of section 21 of the German accident insurance act and of section 9 of the building accidents insurance act, which had debarred foreign dependents not domiciled in Germany at the time of the accident from claiming compensation or benefits. The notification likewise revoked, in so far as concerned the same nationalities, provisions of section 94 (2) of the German accident insurance act and section 37 (1) of the building accidents insurance act, which had suspended the right of foreign insurees to benefits under German laws as long as they were not residents of the country. Similar exceptions were made on May 9, 1905, in favor of the nationals of the Grand Duchy of Luxemburg, and on February 22, 1906, in favor of Belgian subjects, employed in Germany. By an act of December 24, 1903, Belgium had abolished all distinctions between natives and foreigners under her accident insurance laws, thus having accorded to her German neighbors for two years and over advantages which the action of the German Federal Council now reciprocated. These acts illustrate what can be accomplished in the cause of the international protection of labor by applying the principle of reciprocity in national labor legislation.

FRANCO-ITALIAN TREATY, JUNE 9, 1906.

In an agreement of June 9, 1906, France and Italy adopted definite measures by which to realize in practice the recommendations of the treaty of 1904 on the subject of compensation for injuries caused by accidents. The principle which had now become common to such treaties was adopted, viz, citizens of either country injured while at work in the territory of the other should receive the same insurance privileges as are accorded to citizens of the country where the accident occurs. The same equality of treatment was granted to dependents whether or not at the time of the accident they resided in the country in which the accident occurred or whether they had subsequently

[1] See, also, E. Mahaim: Le droit international ouvrier (1913).

ceased to reside there. Thus the French law denying such equality of treatment was now superseded in so far as it concerned Italian and Belgian workmen.

However, the treaty provided that, when French employers desired, they could engage an Italian institution to assume the responsibilities of insuring Italian dependents, not resident in France, in conformity to a table of provisional rates annexed to the agreement and subject to revision thereafter. If an employer or insurer insured in the French national old-age retirement fund his liabilities toward Italian laborers, the function of paying the pension might, on demand of an Italian beneficiary be turned over to the Italian national workmen's disablement and old-age provident fund, the French institution paying quarterly to the latter the money due. In case of benefits having a fixed rate, the French fund might make the payment in a lump sum and thereby avoid the trouble of making quarterly payments. Similar stipulations operated for the accommodation of French workmen entitled to compensation in Italy. Direct remittances from the Italian fund to French workmen entitled to them were to be made by postal money orders.

Should a special inquiry be concluded with reference to an accident, the fact was to be immediately communicated to the consular authority of the district within which the injured workman lived when the accident took place. Tax exemptions accorded in one State in the case of documents essential to the collection of insurance were to apply equally in cases where the documents were required under the law of the other State. If an Italian workmen not resident in France should fail to receive payments due and appeal to the guaranty fund established by French law, authority to deal with the difficulty would not reside in the regular governmental authorities as under customary procedure, but would rest in the Italian consular authorities at Paris. The conditions governing the exercise of consular powers in such cases were to be determined by the authorities concerned in the two countries. Necessity might work the suspension of the stipulations of the treaty wholly or in part. If one of the powers gave notice of intention to terminate the agreement in accordance with the regulations specifically prescribed for such action, the force of the arrangement was not to be impaired in so far as it concerned redress due for accidents occurring up to the time of its expiration. The prerogatives and obligations vested in national funds and the duties devolving upon consular authorities by the terms of the treaty were to become of no effect upon its expiration, with necessary exceptions, however, for the regulation of accounts then running and the payment of pensions for which the capital sum had been previously received by a fund.

FRANCO-LUXEMBERG TREATY, JUNE 27, 1906.

In the same month in which France signed the preceding agreement, she signed with Luxemburg an accident insurance treaty of the same nature as the other treaties already discussed. The principles covering the treaty that France signed with Belgium (Feb. 21, 1906), may be repeated almost verbatim as an analysis of this act. As concluded it was to be in force for an indefinite length of time, reserving the right of denunciation to each party under condition of a year's notice.

FRANCO-GERMAN UNDERSTANDING WITH REFERENCE TO LETTERS ROGATORY.

Before the close of the year 1906 a commendable precedent had been established by the harmonious action of French and German authorities with reference to the status of letters rogatory pertaining to labor accidents.[1] The German Secretary of State for Foreign Affairs having received from the French Ambassador a letter rogatory emanating from a French justice and requesting the production in German territory of evidence relating to a certain industrial accident granted the request, whereupon the Government of France indicated its readiness to reciprocate the favor whenever a similar contingency should lead Germany to request it. A common basis for the treatment of such letters was thus established in a manner highly creditable to the national administrators concerned. This spirit of accommodation is of great value in the removal of obstacles in international relations.

GERMAN-DUTCH TREATY, AUGUST 27, 1907.

The German-Dutch treaty, like the German-Luxemburg treaty of 1905, stipulated that persons employed temporarily (not over six months) in one State by an enterprise domiciled in the other should be subject to the compulsory accident insurance laws of the headquarters of the enterprise. It differed from some of the other treaties in specifying that it was compulsory insurance which was contemplated, and also in the fact that the operating crew of any transportation line was to be subject to the insurance law of the place of incorporation of the line regardless of the mileage operated in either country. Those topics which constituted the gist of the German-Luxemburg treaty were made to appear the exceptions in the present treaty, whose principal affirmative declaration was that, subject to the exceptions noted, those enterprises belonging to classes of undertakings covered by the insurance laws of both States and having headquarters in one State but operating in the territory of the other, should be governed by the accident insurance law of the country

[1] L. Chatelain: Laprotection internationale ouvrière, p. 227.

of operation. Thus it did not specify equality of treatment of foreigners and subjects; but in so far as the law in either country did not discriminate against foreigners, equality of treatment might be inferred.

Provision was made whereby in case of litigation authorities of one country could obtain the sworn depositions of witnesses resident in the other, while exemptions in respect of stamp duties and fees in the administration of the law of one Government were to apply equally to the administration within its borders of the accident insurance law of the other contracting Government. Premium rates, also, were not to be varied by one State so as to be prejudicial to employers having business headquarters in the other. The basis of ascertaining in the currency of one country the equivalent of wages paid in the other was to be determined in a manner specified, whenever the administration of the law necessitated such calculations. Upon the conclusion of the year following the notice of its denunciation by either party, the agreement would become null and void.

A supplementary treaty of May 30, 1914, decreed that employees were to become subject to the operation of this agreement even though their domicile should not be that of the institution that carried their risk. This addition may be interpreted as indicating that, in so far as the accident insurance law did not positively discriminate against foreigners, it was desired that its privileges should be shared equally by both native and foreign operatives, and so would indicate that the treaty did not favor leaving to voluntary effort or mere good will application of the principle of the equality of citizens and foreigners under the insurance laws of either country.

FRANCO-BRITISH TREATY, JULY 3, 1909.

Two years intervened before another accident compensation treaty was signed. This time it was between France and the United Kingdom. With the principle which was its chief feature we are quite familiar, viz, that of granting accident insurance reciprocally to foreign laborers and dependents on the same terms as to citizens. The customary exception for employment of less than six months' duration on soil other than that of the domicile of the undertaking was inserted, including specifically the intermittent employment common to transportation service. Ratifications were exchanged October 13, 1910, and the decrees announcing the promulgation of the convention were published in France October 28, 1910. In giving effect to this treaty a British order in council stated that questions as to British liability for compensation to French citizens, or amounts of such indemnity, etc., were to be adjudicated by the county court. Certain conditions were prescribed by which the responsibility for the pay-

ment of compensation to French pensioners who had returned to France was transferred from English to French authorities; that is, from the jurisdiction of the county court to the French National Old-Age Retirement Fund. A subsequent arrangement between the British Secretary of State for the Home Department and the French Minister of Labor provided that, in case of periodic payments to a pensioner who returned to France to live, remittance by the county court to such beneficiary should be made every three months, the recipient providing each time a certificate from the mayor of the commune in which he lived, testifying that he was alive. A medical certificate specifying whether or not he still remained incapacitated was also to be furnished by the injured person as often as the county court required. Such certificates were to be authenticated by a visé of the prefectorial administration, which would certify the official status of both the mayor and the doctor concerned.

HUNGARIAN-ITALIAN TREATY, SEPTEMBER 19, 1909.

The fundamental principle in the Hungarian-Italian accident insurance treaty of 1909 was the same as that in the preceding treaty. But a feature new to this class of treaties was the declaration that workmen who coincident with employment outside the territory of either of the contracting countries suffered injury in the service of a business concern domiciled in one of them were to be entitled to compensation under the compulsory insurance law of the concern's domicile, unless the insurance legislation of the country where the accident happened was found to cover the case. Dependents of injured persons were to receive compensation irrespective of their place of residence at the time of or after the accident. In case subjects resided in one country and drew pension from an institution of the other, means were provided, as in some former treaties, whereby the insurance company in question might transfer its obligation to the institution of the country where the pensioner resided. Moreover, documents except from fees when used in drawing pensions in one State were to be favored similarly when used for the same purpose within the territory of the other.

Another distinctive feature, also new to treaties of this class, had to do with the creation of a court of arbitration in case the pact gave rise to disputes. Such a court was to be instituted upon demand of one of the parties, each State choosing as arbitrators two subjects of its own, these four to select a presiding officer from some third power. The State in which to convene the court would be determined, in the first instance, by agreement and thereafter automatically by the principle of alternation. The place for court proceedings would be selected and made ready by the State agreed upon.

These provisions could be varied if the States agreed to carry on the proceedings in writing. Upon application of the court to the Government, recourse might be had to the authorities of either State for the serving of summons or letters rogatory in accordance with the customs of civil court proceedings. Seven years were to elapse before the treaty could be denounced, and thereafter withdrawal could in no case be effected until December 31 of the year following that in which notice was given. Certain other provisos were also included to the end that annulment should not work injustice to those who had become pensioners when the treaty was in force.

FRANCO-ITALIAN TREATY, JUNE 10, 1910.

It has been seen that in consequence of the Franco-Italian treaty of April 15, 1904, which established a system of transferring funds between the French National Savings Bank and the Postal Savings Bank of Italy, various other agreements embodying the same principles were subsequently entered into, viz, the agreement of January 20, 1906, governing the transfer of deposits between private French and Italian savings banks; and that of June 9, 1906, regulating compensation for industrial accidents. Another such agreement was that of June 10, 1910, providing protection of young workers of either country employed within the other. Thus despite criticism of its dealing in theories, the Franco-Italian convention of 1904 has demonstrated that the statement of theories in treaties may, after all, assist in effecting their final realization in law.

Shortly after the conclusion of the treaty in 1904, France had proposed a basis upon which to formulate measures protecting in the manner suggested the young workers of both countries, and Italy, considerably disturbed about the employment of Italian children in French glass works, agreed to send a representative to enter into negotiations with reference to the French proposals. The negotiations extended over the years 1905–1909 and finally culminated in the agreement of 1910, by which Italian children desiring to work in France and French children desiring to work in Italy were obliged to obtain the necessary employment book through compliance with regulations which were in general as follows: The young person in question, accompanied by a parent or guardian, produced before a consul of his Government the employment book issued by his own country. If he was under 15 years of age, the consent of his legal guardian had to be given in a duly legalized document and deposited at the consulate. When the consular certificate duly certified and bearing the applicant's photograph had thus been procured, he could obtain the requisite employment book from the mayor or proper communal authority of the foreign State wherein he desired

to labor. Where children between the ages of 12 and 13 were concerned, additional certificates were required, particularly the French elementary school certificate or the Italian certificate prescribed by act of July 15, 1877 (No. 3961).

At the very beginning of the negotiations over the agreement five years previous, Italy had requested that Italian children under 15 be denied employment books by French authorities; but inasmuch as French children were admitted to work at the ages of 12 and 13 the authorities could not see their way clear to make special exceptions in favor of Italian children. Moreover, such action would have exceeded what was contemplated by the treaty of 1904, which had merely stated that the nature of the documents and forms of the certificates required for presentation to consular and mayoral offices should be determined and properly inspected, and that committees of protection should be organized. The French authorities promised, however, to introduce into the treaty such measures as would adequately protect Italian children, especially those in unhealthful occupations, such as the manufacture of glass. Some of its protective measures relating to children under 15 have been mentioned. The following clauses of the treaty in further extension of the protective principle are worthy of complete citation: "Employment in unhealthful and dangerous trades shall be regulated by the law in force in the country where the work is performed. In the case of glass and crystal works, dangerous and unhealthy operations which, at the date of the signing of this agreement, may not lawfully be performed by young persons in Italy, shall not be lawfully performed by young persons in France, and reciprocally.

"In view of the fact that the age of protected persons is not identical under the French act of November 2, 1892, and the Italian act of November 10, 1907, the decrees issued in both countries in pursuance of their respective acts shall specify the age of persons whom it shall not be lawful to employ in the operations in question.

"The two Governments shall use their best endeavors to introduce uniformity in the age of protected persons by means of internal regulation. With this object they shall, if necessary, promote an international agreement within the meaning of section 3 of the convention of April 15, 1904."

Documents and certificates which might be issued from time to time in pursuance of the treaty were to be exempt from fees in conformity to the law of both countries and their preparation by consular authorities was to be without charge to the young persons concerned. Strict inspection of all employment books or certificates was required, and confiscation of those irregularly issued was permitted, a record of all such confiscations to be made. Finally, in fulfillment of a measure contemplated by the treaty of 1904, protective committees,

whose members should serve without compensation, were to be organized in large industrial centers, including in their membership as many of the young workers' fellow countrymen as possible. The enforcement of the law in general and of acts particularly specified, the detection of violations or any malfeasance in respect thereto, and the reporting of the same to the proper authorities were to be within the province of the committees' supervision. The treaty was to remain in force five years, and if not denounced six months previous to the conclusion of that period, it would continue to be binding for another five-year period, and so on. This is an important feature and is certainly conducive to much greater stability and certainty in international relations than in the cases where treaties may be denounced from year to year.

FRANCO-ITALIAN ARRANGEMENT, AUGUST 9, 1910.

Within a short time Italy and France concluded another agreement growing out of the treaty of 1904. This arrangement prescribed conditions under which the beneficiaries of persons, whether Italians or Frenchmen, could draw their pensions from institutions of the country in which they lived, although the pension had originally been acquired from an institution of the other country.

GERMAN-SWEDISH TREATY, MAY 2, 1911.

A treaty of commerce and navigation between Germany and Sweden followed the example of the Swiss-Italian and German-Italian treaties of 1904, wherein workmen's insurance became a subject for discussion and mutual arrangements by the parties concerned, in relation to the question of according equal advantages to the subjects of either party employed within the boundaries of the other.

FRANCO-DANISH TREATY, AUGUST 9, 1911.

An entirely new type of treaty, in the series we are considering, made its appearance in the Franco-Danish treaty of arbitration of August 9, 1911. It provided that differences of a judicial character arising out of the interpretation of treaties were, in default of settlement by diplomatic channels, to be submitted to arbitration at The Hague, except in cases that affected the independence, honor, or vital interest of either of the contracting States, or the interest of third powers; which means that either party can reserve from adjudication at The Hague anything it pleases.

But the Franco-Danish treaty contains the earnest of an advance to higher ground in these particulars. Four classes of questions are entirely excluded by it from having recourse to the above reserva-

tion; in other words, the contracting States agreed that under all circumstances certain questions should, as a last resort, automatically become subject to arbitration at The Hague. Of the classes thus made the subjects of compulsory arbitration, the two following are of particular interest:

> Interpretation and application of the stipulations of the convention relating to trade and navigation.
>
> Interpretation and application of the stipulations of the convention relating to the matters hereunder indicated:
>
> Industrial property, literary and artistic property, international private rights as regulated by The Hague conventions, international protection of workers, posts and telegraphs, weights and measures, sanitary questions, submarine cables, fisheries, measurement of ships, white-slave trade.

The disagreements relating to the last-named matters and subject to judicial interpretation under territorial law were to be decided by the national jurisdiction before they were referred to arbitration, and awards of the arbitration tribunal were not to affect previous judicial decisions; but the contracting parties agreed to take measures on occasion to bring about the adoption of the arbitrator's interpretation by the State tribunals. Thus while the arbitral tribunal was precluded from annulling the decisions of national tribunals, its decisions were to be considered a standard by which to unify diverse principles of judicial interpretation obtained within the judicatures of the two countries. Should the parties disagree as to whether or not a difference belonged to the category of disputes to be submitted to compulsory arbitration, the treaty invested the arbitral tribunal with authority to decide, and should the parties be unable to reach a compromise after a year's notification by one of them authority would be vested in the permanent court to establish such a compromise. The convention would be automatically renewed for five-year periods under tacit consent.

SWEDISH-DANISH SICK FUNDS AGREEMENT.

Another novel international arrangement was that entered into in the same year (1911) between the Swedish General Association of Sick Funds and the United Central Associations of Sick Funds of Denmark, terminable after one year's notice by either party. This agreement, entirely unofficial, made it possible for a member of a sick fund in one association, on changing his residence to the country of the other, to become immediately a member of a sick fund there, wholly unhampered by any requirement of entrance fee, age, state of health, period of waiting, etc. After December 31, 1911, any person who joined a sick fund after his fortieth birthday would not be entitled to this privilege of transfer. The association with which a member canceled his connection was relieved of all liabilities in

the case, and the withdrawer became subject to any special conditions governing the sick fund to which he transferred his membership. Annual reports were to be exchanged between the associations, parties to the agreement, specifying all sick funds belonging to either organization. Any serious differences arising between such sick funds of the two countries were to be resolved by the chief organizations of each, or, as a last appeal, by the sick funds inspector of the country to which membership had been transferred. January 1, 1912, was set as the date for the agreement to take effect.

SPITZBERGEN DRAFT CONVENTION, JANUARY 26, 1912.

A draft convention providing for joint international control of Spitzbergen by a commission was drawn up by representatives of Norway, Russia, and Sweden, assembled at a conference at Christiana, January 26, 1912. These powers were the ones most interested in the status of the islands, which occupied the uncertain position of "No man's land" (*terra nullius*). A later conference of powers, June 16 to July 30, 1914, comprising representatives, in addition to the above, of France, Denmark, Great Britain, Germany, the Netherlands, and the United States, failed to achieve any settlement of the status of the islands, so that the protocol of 1912 represented before the war the latest action for settling the Spitzbergen question. This protocol provided that employers were to enter into a written contract with each workman, and, in case of sickness, were to furnish attendance free of charge, while in case of accident, besides complying with the foregoing requirement, compensation was to be paid. Another equally salutary, but unusual, stipulation was the prohibition of the sale of alcoholic beverages to the worker by or on behalf of the employer.

GERMAN-BELGIAN TREATY, JULY 6, 1912.

Approximately six months after the date of this proposal Belgium and Germany entered into an accident insurance treaty that supplemented insurance legislation of the two States in 1903 and 1906, respectively. Except for State and transportation undertakings, enterprises domiciled within one country and extending their sphere of operation into the other were to become subject to the accident insurance laws of the country where operations were carried on, provided compulsory accident insurance obtained for the class of establishments in question in both States. This agreement is of the same type as the German-Dutch treaty. With slight variations, the general exception met with in most of these treaties held good for this—that is, for the first six months of operation in territory of the foreign State undertakings would be subject to the insurance legisla-

tion of the home State, in so far as it concerned employees who had previously been connected with the undertaking when in the home State. In calculating the period of operation outside the country of domicile with reference to a series of operations carried on concurrently or successively, the time would be reckoned from the beginning of the first to the termination of the last of such operations; but should an interval of over 30 days elapse between the completion of one operation and the commencement of the next, a new period of six months would begin for the operation in question.

Certain State undertakings were to be subject in all cases to the accident insurance regulations of the home State, while, as provided in the German-Netherlands treaty, traveling crews of transportation systems were to be protected in all cases by the insurance laws of the home State. Actions for civil liability connected with accidents were to be brought under the law of the country whose legislation on compensation applied in the case. The agreement contained the usual stipulations relative to engaging the mutual assistance of authorities in the execution of the laws of one State within the other, including exemptions from stamp duties, the intermediacy of consular agencies, the establishment of a standard by which to express value in different systems of coinage, etc. Notice of its discontinuance might be given at any time; at the end of the year following such notice, the treaty would be terminated. The documents ratifying the treaty were exchanged on January 10, 1913.

GERMAN-ITALIAN TREATY, JULY 31, 1912.

Less than a month after the conclusion of the German-Belgian treaty, the most comprehensive insurance treaty yet drawn up was signed by the representatives of Germany and Italy. Thus the suggestions of the German-Italian treaty of 1904 at last materialized, and on an unprecedented scale. The treaty was divided into four sections as follows:

I. Accident insurance.
II. Invalidity, old-age, and survivors' insurance.
III. General provisions.
IV. Final provisions (in part, contemplating future conventions).

The part devoted to accident insurance was another statement of the principle of the equality of foreigners and citizens before the law of the country in which they worked. The agreement applied to Italian accident insurance of agricultural laborers only in case they were insured under the Italian act of January 31, 1904. A person might waive his right to pension by accepting a lump sum equal to three times the amount of his annuity. If the insurers pre-

ferred to make over to a pensioner a capital sum equivalent to the value of, and in lieu of, his periodic pension, the insuree was obliged to accept.

The provisions of Part II dealing with invalidity, old-age, and survivors' insurance were more complicated. It should be remembered in this connection that contributions for the purchase of insurance in German institutions were derived in part from employers as well as from employees, and that not only was insurance compulsory, but it extended its benefits under certain conditions even to Germans working outside their State, e. g., in Italy. Contributions for and on behalf of Italian subjects, made to the German invalidity and survivors' insurance fund, were to be equal to payments for German subjects, even if the Italians were enrolled at the same time in an institution of their own country. An Italian thus doubly enrolled might demand that half of the money used to purchase his insurance in the German institution be paid, in his behalf, by the German insurer to the Italian fund, in which case the Italian subject or his assigns could claim insurance from the Italian institution only. For claims arising previous to the application for transfer, the German institution would stand liable. Italians might also transfer to their own national institutions additional voluntary insurance bought under German law. Military duty in Italy was to be reckoned as the equivalent of such duty in Germany under the insurance law of the latter. Differences in the insurance legislation of the two States rendered many stipulations of the treaty applicable to only one of the parties to it.

German subjects in Italy were privileged to enroll as members of the Italian national provident fund upon an equal footing with Italian subjects save for certain specified exceptions. Such a German insuree could require the refund by the Italian institution of all payments made to it in his behalf should he leave Italy before the contingency insured against arose. Italian employers paying premiums to the fund for workmen of their own nationality were obligated to do the same for German workers. The fundamental principle governing the insurance of Germans in the mercantile marine invalidity fund of Italy was the same as for the other fund. If a German drawing pension from either fund should voluntarily locate his home beyond Italian territory, his policy would lapse upon his receipt of a payment triple the amount of his annuity, while if he should leave the country upon the order of Italian authorities his pension would not be forfeited, although it might be terminated by the payment of a similar lump sum. If his departure, however, were in consequence of conviction for crime, his pension would be forfeited.

Part III of the treaty, declarative of general provisions after the order of treaties already studied, enjoined that mutual assistance be accorded by the authorities of each State in all matters concerned with the execution of the law; that exemptions from stamp duties and fees, decreed by one country for its own administration, were to be extended to the administration within its confines of the insurance laws of the other; and that the proper consular authorities were always to be notified of the conclusion of an inquiry into an accident relevant to insurance proceedings. For the purpose of taking evidence or serving legal papers in a foreign jurisdiction, arrangements were contemplated whereby the assistance of the consular authorities of either country might be invoked.

There were also stipulations theretofore unknown to this class of treaties. For the administration of German insurance within Italy, the latter country was to send to the German Government a list of the names of Italian doctors, hospitals, etc., suitable for the medical treatment of injured Germans, besides also seeing to it that expenses in connection with these individuals and institutions should not become excessive.

Part IV belonged to the order of resolutions that look toward future agreements, which have sometimes been condemned as impractical, but which, in view of the results obtained, are worthy of some consideration. The signatories considered a future convention enlarging the scope of this agreement so as to include agricultural insurance when such a system should be introduced into Italy as might be deemed equivalent to German agricultural accident insurance. Likewise they looked forward to the conclusion of a convention placing their respective subjects upon the same footing with respect to invalidity, old-age, and survivors' insurance when Italy in this form of insurance had evolved an organization equal to that of Germany.

The date upon which the treaty should come into force was April 1, 1913; it could be denounced at any time and would cease to be valid at the end of the year following such notice. Ratifications were exchanged at Berlin March 25, 1913, and six days later official German notifications appeared with reference to special measures to be pursued in execution of certain of its articles and paragraphs.

GERMAN-SPANISH ACCIDENT AGREEMENT RESPECTING SAILORS, NOVEMBER 30, 1912, AND FEBRUARY 12, 1913.

An accident compensation agreement respecting sailors was made between Germany and Spain by an exchange of diplomatic notes on November 30, 1912, and February 12, 1913. By this agreement, if a Spanish sailor on board a German ship met with an accident in a

German port, or was brought to a German port after the accident, German officials were to notify the proper Spanish consul; similar procedure was obligatory if the port was non-German; and if the port was Spanish and at the same time a chief town of a province the civil government or else the alcalde was to be notified. In case the accident occurred on the high seas it was incumbent upon the German consul to notify, if possible, the proper authorities within 24 hours from the moment the ship entered a Spanish port. By interchanging the words "Spanish" and "German" reciprocal action was specified for a German injured in the employ of a Spanish ship, except that the last two words, viz, "Spanish port," were retained instead of the naturally expected words "German port" being inserted. By the retention of these words the agreement lays a double obligation upon Spanish authorities to protect an injured German sailor on board a Spanish ship in a Spanish port, while to protect an injured Spaniard on board a German ship in a German port the agreement specifies no such double obligation for German authorities, but rather renders that double obligation incumbent upon Germans when the German ship is in a Spanish port, the inference being that Germans would look after such affairs in their own ports quite well enough without relying upon the compulsion of the "24-hour" clause of the agreement, but that in view of the less efficient regulation of Spanish ports this provision was needed to prevent the miscarriage of justice in the latter ports.

ITALIAN-AMERICAN TREATY, FEBRUARY 25, 1913.

By reason of the fact that the enactment of labor legislation is almost wholly within the province of the individual States of the Union, and because constitutional tradition upholding the theory of the distribution of sovereignty has been very jealous of what is known as "State's rights" in contradistinction to national centralization of authority, the freedom of action of the United States has been very limited in matters pertaining to international agreements in protection of labor. An example of about the best that has been done thus far in the way of a protective labor treaty is the agreement signed between Italy and the United States under date of February 25, 1913, in amendment of an old treaty of commerce and navigation of February 26, 1871. The principal clause of the new agreement is as follows:

"The citizens of each of the high contracting parties shall receive in the States and Territories of the other the most constant security and protection of their persons and property and for their rights, including that form of protection granted by any State or national law which establishes a civil responsibility for injuries or for death

caused by negligence or fault, and gives to relatives or heirs of the injured party a right of action which shall not be restricted on account of the nationality of said relatives or heirs; and shall enjoy in this respect the same rights and privileges as are or shall be granted to nationals, provided that they submit themselves to the conditions imposed on the latter."

There is comparatively little Federal law in America, other than that covering Federal employees or employees engaged in interstate commerce, that may be termed distinctively protective labor law. As an example of such law we may note that the use of white phosphorus in the manufacture of matches has been effectively prevented through a statute prohibiting the importation or exportation of matches containing that substance and by levying a prohibitive tax upon such matches.[1] At the same time State laws are very diverse and in many instances very deficient.[2]

FRANCO-SWISS AGREEMENT, OCTOBER 13, 1913.

In the same year (1913) France and Switzerland entered into an understanding to prevent Frenchmen or foreigners working on French soil and regularly employed by the Swiss Federal railroads from becoming subject to the old-age insurance systems of both France and Switzerland. The legislation of the two countries was dissimilar, but the agreement dissipated the difficulties which had arisen by stipulating that such employees on French soil might be insured in the Swiss system in place of the French; but if not insured in either, they were obliged to take out insurance according to the terms of the French law.

As a side light upon the compulsory old-age insurance of railroad employees obtaining in both France and Switzerland, it is worthy of note that by an act of July 21, 1909, France compelled the great railway lines to insure all employees in a retirement pension scheme maintained by contributions from the railway companies and by deductions from employees' salaries. The scope of the old-age pension law in France was extended by an act of April 5, 1910, including in its benefits employees of both sexes in industry, agriculture, commerce, and the liberal professions; servants, State employees not insured in civil or military systems, and employees of departments and communes. It was in general a compulsory system with support derived from State subsidies, contributions of employers, and either compulsory or voluntary contributions of insured parties as the case

[1] United States Statutes at Large (1911–1913), vol. 37, Pt. I, p. 81, ch. 75, An act to provide for a tax upon white phosphorus matches, and for other purposes.

[2] For an analysis of the treaty-making power in the field of labor legislation, see "Constitutionality of treaty provisions affecting labor," by Thomas I. Parkinson, in the American Labor Legislation Review, New York City, March, 1919, pp. 21–32.

required. Foreign laborers came within the terms of its requirements, but without the benefit of employers' contributions or State subventions except as reciprocity treaties with their countries might provide for such privileges.

ITALIAN-GERMAN WAR ARRANGEMENT, MAY 12–21, 1915.

The following clause explains an agreement between Italy and Germany after the outbreak of the present war and just before Italy's declaration of war upon Austria-Hungary (May 23, 1915): "The subjects of either of the two States shall continue to enjoy the benefits provided in the laws in force in the other country in the matter of social insurance. The power to take advantage of the rights in question shall not be restricted in any manner."

There are certain principles which in general are common to these international agreements covering insurance, particularly accident insurance. In brief they stipulate for—

(1) Equality of treatment of foreigners and citizens working in the same country before the insurance law of that country.

(2) An exception for the first six months of an establishment's operation on foreign soil, during which the insurance laws of the State of its domicile apply.

(3) Inclusion of transportation lines in the above exception.

(4) Cooperation in the administration of the laws of one country within the territory of the other.

(5) Reciprocal grant of special exemptions in the administration of the insurance law of one State within the territory of the other (usually to the effect that special advantages and exceptions incident to the insurance legislation of one State shall apply to the administration within its territory of the insurance law of the other).

(6) Termination of the treaty to take effect one year after notice (or, as sometimes stated, at the expiration of the year following the denunciation).

(7) Notification of the inquiry into an accident to the proper consular authority (frequently, under the condition that such notification be given immediately, upon the conclusion of the inquiry, to the consul in the district where the injured party resided at the time of the accident).

(8) Facilities by which insurance procured by individuals in a foreign country may be paid to them through institutions of their own country.

(9) A forecast of possible treaties of the future.

The foregoing treaties on accident insurance may be roughly classified in groups according to the above principles. Treaties which

forecast future agreements in so far as they relate to workmen's insurance are the Swiss-Italian (1904), the German-Italian (1904), the German-Austro-Hungarian (1905), and the German-Swedish (1911). The same is true of the Franco-Italian treaty (1904) in so far as it relates to accident insurance.

A group of agreements providing in general that firms operating in the territory of another country less than six months are to be subject to the accident insurance law of the country of domicile, and if for more than six months, of the country of operation, are the German-Luxemburg treaty (1905), to which principles two, three, four, and five apply, the German-Netherlands treaty (1907), and the German-Belgian treaty (1912), to which principles two, four, five, and six are applicable.

The class to which the largest number of treaties belongs is distinguished by a precise declaration of the principle that, in respect of compensation for accidents, subjects of either party working in the territory of the other are to enjoy equal privileges with the citizens of the country in which they work. This group, in which are all of the following treaties, may be further subdivided. To the Belgian-Luxemburg treaty (1905), the Franco-Luxemburg treaty (1906), and the Franco-Belgian treaty (1906), the first six principles apply, and also the principle that notification of inquiry into the accident shall be made to the proper authority in the case of the last-named treaty; by the Franco-Italian agreement (1906), the Hungarian-Italian agreement (1909), and the German-Italian agreement (1912), principles one, four, five, six, seven, and eight are clearly stated, including in the instance of the German-Italian treaty a promise of future agreements. The Franco-British treaty (1909) contains principles one, two, three, four, six, and eight.

Much, however, that is not stated in a treaty in so many words may be enacted in pursuance of its interpretation by a protocol or by administrative authorities. Moreover, the existence of other law may make unnecessary a statement of principle that would otherwise occur. Therefore, if any insurance treaty does not formally specify that subjects of both countries are to be treated equally in respect of the insurance law of either it is patent that the omission constitutes no proof in itself that the principle is not applied by the parties in question. Thus we find Germany, by virtue of her national legislation, applying various phases of this principle in her treatment of laborers from Belgium and Luxemburg within her territory, although her accident insurance treaties with these countries do not make any specific statement to this effect.

CHAPTER VIII.—ARGUMENTS FOR AND AGAINST INTERNATIONAL LABOR REGULATION.

The movement for the international protection of labor, like all reform movements, has met with determined opposition. Included among its opponents have been all the various parties affected—Governments, employers, and workingmen—and in order to have a fair understanding of the issues involved it is necessary to know the grounds on which such opposition is based, as well as the reasons for advocating these measures.

OPPOSITION FROM GOVERNMENTS, EMPLOYERS, AND EMPLOYEES.

With the first effort on the part of a State, that of the Swiss Federal Council in May, 1881, to bring about international regulation through governmental action, objection on one ground or another was made by most of the countries approached, France stating that it was not within the province of the State to interfere with contracts between employers and employees, either nationally or internationally, except possibly in cases of extreme necessity.

Opposition to international restrictions from employers has been based largely on the two following points: (1) That it obliges them to compete with goods produced by the cheap labor of an industry unhampered by restrictive labor law; (2) that production may be limited as a result of restrictions placed upon them, such as, for example, the nonemployment of women at night, reduction of the length of the workday, and the like.

The movement has been opposed among workingmen but only to a very limited extent. Labor has also foreseen a possible lowering of its standards in those countries in which the best conditions of work, hours, and wages prevail, in order to meet conditions in countries in which these standards are lower, since it has been considered probable that compromise would have to be effected to meet the varying economic conditions in the countries concerned.

These difficulties, which seemed perhaps insuperable to the earlier advocates of the movement, have largely disappeared through gradual changes in laws and habits of thought. The principal objection now raised by National Governments is that action taken by international concert involves an infringement upon the sovereign rights of the nations. The National Governments are jealous of any interference in the sphere of their legislative activities.

While employers have found fault with such intervention in many cases, it is true that their objections have been much more strenuous in the field of national than in that of international regulation. They continue to view excessive regulation as a limitation upon the interests of production and business profits, regardless of whether such regulation is national or international.

No organized opposition on the part of labor to protective measures now exists. For over half a century labor has been a propelling force behind the movement for labor legislation. It believes in protection from dangerous machinery and occupational diseases, the abolition of child labor, such a regulation of the hours of labor for women as will safeguard the physical and moral health of the community, suppression of the sweating system, and the reduction of the hours of labor to the lowest practicable point. Labor advocates that degree of leisure for all which is the condition of the ideal life, a release from employment one day in seven, a living wage as the minimum in every industry, and the highest wage that each industry can afford, suitable provision for the old age of workers and for those incapacitated by injury in industry, the lifting of the crushing burdens of the poor, the reduction of the hardships of labor, and the upholding of its dignity.

OTHER OBJECTIONS TO INTERNATIONAL REGULATION.

Certain other objections to regulation of industry have been advanced. It has been argued that dissimilarities in climate and in peoples are a serious hindrance to international regulation, since a rule applicable to the workmen of the temperate zone would not be equally applicable to laborers of the torrid zone, and that laws relating to child labor would not be suitable in all cases since children of some lands mature more quickly than those in others. Abolition of night work for women is criticized on the score that in tropical countries the only cool period of the day extends from sunset to sunrise, and to prohibit women from working at night in these countries might cause serious difficulties, while differences in soil, mineral resources, supplies of water and fuel, seasonal changes with their effect on goods handled, all making for dissimilarity in manufacturing processes, have also been cited as reasons against international regulation. All these points, however, are, as a matter of fact, provided for in such treaties and conventions as have been entered into. Exceptions are made in the agreements respecting seasonal occupations and adjustments are made to suit the regulations to the nature of the climatic conditions and the character of the working force in each country.

The different systems of labor legislation and administration in different States, which have been built up by the long and slow proc-

ess of evolution and which are therefore adapted to their peculiarities of situation—geographical, social, and economic—and to their differing constitutional systems, rendering labor legislation difficult under one form of government and easy under another, have also been urged as militating against effective regulation. In practice, however, differences in government and industrial organization have not presented any insurmountable difficulties. The Bern conventions have been applied by autocracies, monarchies, and republics with all sorts of differing labor laws. The relation of the United States, however, is peculiar. After the convention banning white phosphorus had been agreed to by other leading industrial nations, the Congress of the United States, which was unable to pass a prohibitory law owing to constitutional limitations, passed a tax measure which was practically equivalent to a prohibitory law.

The movement presents a problem to the United States. If, as some authorities hold, jurisdiction over labor matters is one of those powers wholly "reserved to the States and the people thereof," and one that can not under any circumstances be exercised by the Federal Government by treaty any more than by legislation, changes may be necessary in the theory and practice of American labor administration. There are, however, other authorities who hold equally firmly that a treaty entered into by the executive power and the Senate becomes the "supreme law of the land," regardless of any State legislation to the contrary. In interpreting any treaty the only question which the Supreme Court may assume to pass upon, these authorities hold, is whether or not the subject matter of the treaty is one which may be referred for international negotiations.[1]

OBSTACLES TO INTERNATIONAL ACTION.

Probably the chief obstacle to the securing of international agreements modifying industrial standards is the present basic conflict between employer and employee. Within each country the various economic groups are continually in conflict. The attempts to raise standards, shorten hours, and increase wages are considered by employers as attacks upon the interests of production, because such changes increase costs and thus limit business returns. While some countries, in spite of this ceaseless struggle of interests, have brought labor standards to a fairly high level, other countries, "where labor is cheap, plentiful, and impotent," are still submitting to the 12-hour day and a régime of low wages. For the latter countries, it is obvious that any considerable upward movement of standards will mean a relatively greater loss to their employers as a group, hence the oppo-

[1] See also, "Constitutionality of treaty provisions affecting labor," by Thomas I. Parkinson, in the American Labor Legislation Review, March, 1919.

sition of employers to such proposed agreements. Although long periods of transition for adaptation to higher labor standards were allowed in the agreements, the countries of low labor standards almost invaribly declined to participate in international labor conventions.

The agitation for the regulation of labor conditions began, as already observed, among closely contiguous European countries. The tendency is for labor to move to the countries having improved labor standards, while the knowledge among the workers of any country of better labor conditions in neighboring countries is provocative of unrest in the home country. Thus the threatened loss of labor and the disaffection among the workers have brought home to employers the desirability of considering some united action on their part with the employers of other countries.

With the increasing education of the workers and the gradually enlarging facilities of communication the more urgent will become the demand to raise labor standards by international action. Enlightened manufacturers see in such raising of industrial standards no diminution in the long run of their ability to compete with those manufacturers who can avail themselves of masses of cheap and helpless workers; while the working man sees in international action a means of improving the conditions of life of those who constitute the great majority of the population.

APPENDIX I.—TREATIES AND CONVENTIONS AFFECTING LABOR.

Unless otherwise stated the translation or version of the treaties or conventions used has been taken from the Bulletin of the International Labor Office (Basel, Switzerland), printed in French, English, and German. If the treaty or convention is discussed in the body of the bulletin, reference is made to the pages covered by that discussion.

BERN CONVENTIONS.[1]

International Convention Respecting the Prohibition of Night Work for Women in Industrial Employment[2] (Sept. 26, 1906).

ARTICLE 1.—Night work in industrial employment shall be prohibited for all women without distinction of age, with the exceptions hereinafter provided for.

The present convention shall apply to all industrial undertakings in which more than 10 men or women are employed; it shall not in any case apply to undertakings in which only the members of the family are employed.

It is incumbent upon each contracting state to define the term "industrial undertakings." The definition shall in every case include mines and quarries and also industries in which articles are manufactured and materials transformed; as regards the latter, the laws of each individual country shall define the line of division which separates industry from agriculture and commerce.

ART. 2. The night rest provided for in the preceding article shall be a period of at least 11 consecutive hours; within these 11 hours shall be comprised the interval between 10 in the evening and 5 in the morning.

In those States, however, where the night work of adult women employed in industrial occupations is not as yet regulated, the period of uninterrupted rest may provisionally and for a maximum period of three years be limited to 10 hours.

ART. 3. The prohibition of night work may be suspended—

(1) In cases of force majeure, when in any undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a periodic character.

(2) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

ART. 4. In those industries which are influenced by the seasons, and in all undertakings in the case of exceptional circumstances, the period of the uninterrupted night rest may be reduced to 10 hours on 60 days of the year.

ART. 5. It is incumbent upon each of the contracting States to take the administrative measures necessary to insure the strict execution of the terms of the present convention within their respective territories.

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[1] See pp. 125 to 137.

[2] See pp. 128 to 132.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present convention, as well as the periodical reports on the manner in which the said laws and regulations are applied.

ART. 6. The present convention shall only apply to a colony, possession, or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

Such Government when notifying the adhesion of a colony, possession, or protectorate shall have the power to declare that the convention shall not apply to such categories of native labor as it would be impossible to supervise.

ART. 7. In extra-European States, as well as in colonies, possessions, or protectorates, when the climate or the condition of the native population shall require it the period of the uninterrupted night rest may be shorter than the minima laid down in the present convention provided that compensatory rests are accorded during the day.

ART. 8. The present convention shall be ratified and the ratifications deposited with the Swiss Federal Council by December 31, 1908, at the latest.

A record of this deposit shall be drawn up of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for the coming into operation of the present convention is extended from 2 to 10 years in the case of—

(1) Manufactories of raw sugar from beets.

(2) Wool combing and weaving.

(3) Open mining operations, when climatic conditions stop operations for at least four months every year.

ART. 9. The States nonsignatories to the present convention shall be allowed to declare their adhesion to it by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

ART. 10. The time limits laid down in article 8 for the coming into force of the present convention shall be calculated in the case of nonsignatory States, as well as of colonies, possessions, or protectorates, from the date of their adhesion.

ART. 11. It shall not be possible for the signatory States or the States, colonies, possessions, or protectorates who may subsequently adhere to denounce the present convention before the expiration of 12 years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession, or protectorate, by the Government of the mother country. The Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present convention.

Done at Bern this 26th day of September, 1906, in a single copy, which shall be kept in the archives of the Swiss Confederation, and one copy of which, duly certified, shall be delivered to each of the contracting States through the diplomatic channel.

International Convention Respecting the Prohibition of the Use of White (Yellow) Phosphorus in the Manufacture of Matches [1] (Sept. 26, 1906).

ARTICLE 1. The high contracting parties bind themselves to prohibit in the respective territories the manufacture, importation, and sale of matches which contain white (yellow) phosphorus.

ART. 2. It is incumbent upon each of the contracting States to take the administrative measures necessary to insure the strict execution of the terms of the present convention within their respective territories.

Each Government shall communicate to the others through the diplomatic channel the laws and regulations which exist or shall hereafter come into force in their country with regard to the subject matter of the present convention, as well as the reports on the manner in which the said laws and regulations are applied.

ART. 3. The present convention shall only apply to a colony, possession, or protectorate when a notice to this effect shall have been given on its behalf by the Government of the mother country to the Swiss Federal Council.

ART. 4. The present convention shall be ratified and the ratifications deposited with the Swiss Federal Council by December 31, 1908, at the latest.

A record of the deposit shall be drawn up, of which one certified copy shall be transmitted to each of the contracting States through the diplomatic channel.

The present convention shall come into force three years after the date on which the record of the deposit is closed.

ART. 5. The States nonsignatories to the present convention shall be allowed to declare their adhesion by an act addressed to the Swiss Federal Council, who will bring it to the notice of each of the other contracting States.

The time limit laid down in article 4 for the coming into force of the present convention is extended in the case of the nonsignatory States, as well as of their colonies, possessions, or protectorates, to five years, counting from the date of the notification of their adhesion.

ART. 6. It shall not be possible for the signatory States, or the States, colonies, possessions, or protectorates who may subsequently adhere, to denounce the present convention before the expiration of five years from the date on which the record of the deposit of ratifications is closed.

Thenceforward the convention may be denounced from year to year.

The denunciation will only take effect after the lapse of one year from the time when written notice has been given to the Swiss Federal Council by the Government concerned, or, in the case of a colony, possession, or protectorate, by the Government of the mother country. The Federal Council shall communicate the denunciation immediately to the Governments of each of the other contracting States.

The denunciation shall only be operative as regards the State, colony, possession, or protectorate on whose behalf it has been notified.

In witness whereof the plenipotentiaries have signed the present convention.

Done at Bern this 26th day of September, 1906, in a single copy, which shall be kept in the archives of the Swiss Federation, and one copy of which duly certified shall be delivered to each of the contracting powers through the diplomatic channel.

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[1] See pp. 132 to 134.

AGREEMENTS AS TO EQUALITY OF TREATMENT OF NATIVE AND ALIEN WORKERS.

SAVINGS BANK AGREEMENTS.

Convention Between France and Italy (April 15, 1904).[1]

The President of the French Republic and His Majesty the King of Italy desiring by international agreement to insure to workers reciprocal guaranties analogous to those which treaties of commerce have provided for the products of labor and particularly,

(1) To secure to their subjects working in the foreign country the enjoyment of their savings and to procure for them the benefit of social insurance, and

(2) To guarantee to workers the maintenance of protective measures already enacted in their favor and to cooperate for the advancement of labor legislation,

It is resolved to conclude a convention to this effect and plenipotentiaries are named, etc.

ARTICLE 1. Negotiations shall be entered into at Paris, after the ratification of the present convention, for the conclusion of arrangements based on the principles hereafter stated and designed to regulate the detail of their application, exception being made for the arrangement relative to the State Savings Bank of France and the Postal Savings Bank of Italy provided for in paragraph (*a*) below, which shall be annexed to the convention.

(*a*) The funds deposited as savings, either in the State Savings Bank of France or the Postal Savings Bank of Italy, can, on demand of the interested parties be transferred without charge from one bank to the other, each of the banks applying to the deposits thus transferred the general rules which it applies to deposits made in it by its own nationals.

A law of transfer, on a corresponding basis, may be established between the different private savings banks of France and Italy, located in large industrial centers or in frontier towns. Without requiring absolutely free transfer, this law shall stipulate for the cooperation of the post office either without charge or at reduced rates.

(*b*) The two Governments shall facilitate, through the medium both of the post office and the national funds, the payment of insurance premiums of Italians resident in France to the National Provident Fund of Italy, and of Frenchmen residing in Italy to the National Pension Fund of France. They shall facilitate, likewise, the payment in France of pensions acquired, either by Italians, or by Frenchmen from the National Fund of Italy, and reciprocally.

(*c*) The admission of manual workers and other employees of Italian nationality to old-age and perhaps sickness insurance, in the general system of labor pensions now under consideration of the French Parliament, as well as the participation of laborers and employees of French nationality in the system of workingmen's pensions in Italy, shall be regulated immediately after the passage of legislative provisions in the contracting countries.

The part of the pension corresponding to the deposits of the worker or employee or to deductions from his wage shall accrue to him in full.

As to the part of the pension corresponding to the contribution of the employer an arrangement shall be made upon the principle of reciprocity.

The part of the pension which will be eventually derived from State subsidies shall be left to the estimate of each State and paid from its funds to its nationals having acquired a pension in the other country.

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[1] Archives, diplomatiques, 1904, vol. 92, pp. 1269–1274. See pp. 138–140.

The two contracting States shall facilitate through the medium both of the post office and their insurance funds the payment in Italy of pensions acquired in France, and reciprocally.

The two Governments shall study a special system for the acquisition of pensions by workers and employees who have worked successively in the two countries during minimum periods, to be determined without fulfilling in either of the two the conditions required for workingmen's pensions.

(*d*) The workers and employees of Italian nationality injured in France by reason of circumstances incidental to their labor, and also their representatives resident in France, shall be entitled to the same indemnities as Frenchmen, and reciprocally.

The Italian beneficiaries of annuities ceasing to reside in France as well as dependents of the injured parties who were not resident in France at the time of the accident shall be entitled to pensions to be determined. The lump sum annuities valued according to a schedule annexed to the arrangement shall be deposited in the National Provident Fund of Italy to be applied by it as a guaranty of the payment of the annuity. The Italian National Accident Insurance Fund shall likewise insure French employers according to the rate agreed upon, against their liabilities to representatives, not being resident in France, of injured Italian workmen, if such employers desire to be relieved from the obligation of making inquiries and all other similar proceedings. Equivalent advantages shall be reciprocally guaranteed to French workmen injured in Italy.

(*e*) The admission of Italian workmen and employees in France to insurance institutions or to subsidized unemployment relief funds by the State, and the admission of French laborers and employees in Italy into similar institutions shall, in case of the passage of legal provisions relative to these institutions in both countries, be thereafter regulated.

(*f*) The arrangements provided for in the present article shall be concluded for a period of five years. The contracting parties must give notice one year in advance, if it is their intention to terminate the agreement upon the expiration of that period. In the absence of such notice, the arrangement shall be extended from year to year, for a period of one year, by tacit renewal.

ART. 2. (*a*) In order to avoid errors or false declarations, the two Governments shall define the character of the documents to be presented to Italian consulates by young Italians engaged to work in France, as well as the form of the certificates to be furnished to the mayors by the said consuls before delivery to children of the employment books prescribed by child-labor legislation. The labor inspectors shall require the presentation of the certificates upon each visit and shall confiscate employment books wrongfully possessed.

(*b*) The French Government shall organize protection committees, including among their members as many Italians as possible, in industrial regions where a large number of young Italians not living with their families are employed through middlemen.

(*c*) The same measures shall be adopted for the protection of young French workers in Italy.

ART. 3. In case the initiative shall be taken by one of the two contracting States, or by one of the States with whom they maintain diplomatic relations, to convoke an international conference of various Governments with the object of bringing about uniformity by means of conventions in certain provisions of protective labor laws, the adhesion of one of the two Governments to the proposal of the conference shall entail upon the other Government a response favorable in principle.

ART. 4. At the moment of signing this agreement the Italian Government engages to complete the organization throughout the whole Kingdom, and more particularly in those regions where industry is developed, of a factory inspection system operating under the authority of the State, and affording, for the application of the laws, guaranties analogous to those which the factory inspection system of France presents.

The inspectors shall enforce the observance of the laws in force on the work of women and children, and especially the provisions which relate to—

(1) The prohibition of night work;
(2) The age of admission to work in industrial shops;
(3) The length of the workday;
(4) The obligation of weekly rest.

The Italian Government engages to publish an annual detailed report on the application of the laws and regulations relative to the work of women and children. The French Government assumes the same obligation.

The Italian Government furthermore declares that it intends to apply itself to the study and gradual realization of the progressive reduction of the length of the workday of women in industry.

ART. 5. Each of the two contracting parties reserves to itself the option of denouncing at any time the present convention and the arrangements provided by article 1, by giving notice one year in advance, if there is evidence that the legislation relative to work of women and children has not been respected by the other party, in the matters specified in article 4, paragraph 2, in default of adequate inspection, or by reason of exemptions contrary to the spirit of the law, or in case the legislature shall diminish the protection decreed in favor of labor in respect of the same points.

ART. 6. The present convention shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

In witness whereof, the plenipotentiaries have signed the present convention and affixed their seals thereto.

Drawn up in duplicate at Rome, April 15, 1904.

[Part II of this convention relates to the transfer of funds deposited in the savings banks of the two countries.]

SOCIAL INSURANCE AND ACCIDENT COMPENSATION AGREEMENTS.

Treaty Between France and Italy (April 15, 1904).

The social insurance clauses of this treaty are incidental, the treaty being primarily one dealing with the equality of treatment of alien and native workmen (see p. 170 et seq.).

Treaty of Commerce Between Switzerland and Italy [1] (July 13, 1904).

ARTICLE 17. The contracting parties agree to examine by common and amicable consent the treatment of Italian laborers in Switzerland and of Swiss laborers in Italy in regard to workmen's insurance, with the aim of securing by suitable arrangements to the workmen of each nation, respectively, working in the territory of the other, a treatment which shall accord to them as far as possible equivalent advantages.

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[1] L. Chatelain: La protection internationale ouvrière, p. 193. See ante, p. 142.

These arrangements shall be sanctioned by a separate act independent of the coming into force of the present treaty.

Treaty of Commerce Between the German Empire and Italy [1] (Dec. 3, 1904).

ARTICLE 4. The contracting parties agree to examine, by common and amicable consent, the treatment of Italian laborers in Germany and of German laborers in Italy in regard to workmen's insurance, with the aim of securing by suitable arrangements to the workmen of each nation, respectively, working in the territory of the other, a treatment which shall accord to them as far as possible equivalent advantages.

These arrangements shall be sanctioned by a separate act independent of the coming into force of the present treaty.

Treaty of Commerce Between the German Empire and Austria-Hungary [2] (Jan. 19, 1905).

ARTICLE 6. The contracting parties agree to examine, by amicable consent, the treatment of the workmen of each party working in the territory of the other in respect of the protection of labor and workmen's insurance, with the object of insuring reciprocally to these workers by suitable arrangements, a treatment which shall accord to them as far as possible equivalent advantages.

These arrangements shall be sanctioned by a separate act independent of the coming into force of the present treaty.

Treaty on Accident Insurance Between Grand Duchy of Luxemburg and Belgium [3] (Apr. 15, 1905).

ARTICLE 1. Luxemburg workers meeting with industrial accident in Belgium, and likewise those having claims upon them, shall enjoy the same compensation and the same guaranties as Belgian subjects.

Reciprocally, Belgian workers meeting with industrial accident in the Grand Duchy of Luxemburg, and likewise those having claims upon them, shall enjoy the same compensation and guaranties as Luxemburg subjects.

ART. 2. An exception to the foregoing rule shall be made in case of persons without distinction of nationality who are working temporarily, that is, not over six months, on the territory of that one of the two contracting States in which the accident occurred, but for an undertaking domiciled within the territory of the other State. In such case only the legislation of the latter State shall apply.

ART. 3. The stipulations of article 48, No. 2, and of article 49, paragraph 4, of the Luxemburg law of April 5, 1902, are suspended in favor of claimants of Belgian nationality.

ART. 4. The stipulations of articles 1, 2, and 3 of this treaty shall apply to those persons who are classed as workers by the laws on industrial accident insurance of the two contracting States.

ART. 5. The exemptions allowed as regards stamps, records, and registration and the gratuitous delivery stipulated for by the legislation of Luxemburg relating to industrial accidents are herewith extended to proofs, certificates, and documents contemplated by this legislation which have to be drawn up or delivered in execution of the Belgian law.

Reciprocally, the exemptions allowed by the Belgian legislation are hereby extended to proofs, certificates, and documents contemplated by this legislation which have to be drawn up and delivered in execution of the Luxemburg law.

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[1] L. Chatelain: La protection internationale ouvrière, p. 194. See pp. 142, 143.
[2] Idem, p. 198. See p. 143.
[3] See pp. 143, 144.

ART. 6. The authorities of Luxemburg and Belgium shall lend each other mutual assistance with a view to facilitating reciprocally the execution of the law relating to industrial accidents.

ART. 7. This treaty shall be ratified and the ratifications exchanged at Brussels as soon as possible.

It shall come into force 10 days after it has been published in the form prescribed by the laws of the two countries; and it shall remain in force until the expiration of one year from the day of its denunciation by one of the two contracting parties.

In witness whereof the plenipotentiaries of both parties have signed the present treaty and affixed their seals thereto.

Drawn up in duplicate at Brussels, April 15, 1905.

Supplementary Convention Between Luxemburg and Belgium [1] (May 22, 1906).

ARTICLE 1. The provision following shall be added as a second paragraph to No. 2 of the convention of April 15, 1905:

"The above shall hold good for persons engaged in transport undertakings and occupied intermittently, but habitually, in countries other than that in which the principal establishment of the undertaking is domiciled."

ART. 2. This additional convention shall have the same force and hold good for the same period as the convention of April 15, 1905.

It shall be duly ratified, and these ratifications shall be exchanged at Brussels as soon as possible. It shall come into force 10 days after its publication in the forms prescribed by the laws of the two countries.

In witness thereof the plenipotentiaries have signed this additional convention, and have affixed their seals thereto.

Made and duplicated at Brussels, May 22, 1906.

Treaty on Industrial Accident Insurance Between Germany and Luxemburg [2] (Sept. 2, 1905).

ARTICLE 1. Undertakings to which the compulsory accident insurance laws of the two States apply, with the exception of agricultural and forest works, and which are domiciled within the territory of one State and carry on operations temporarily within the territory of the other, shall, in the absence of other agreements between the competent insurers of the two countries approved by the German Chancellor and the Grand Ducal Government of Luxemburg, be subject, in respect of persons employed in their temporary enterprises in the territory of the other State to the accident insurance legislation of the State where the undertaking's main office is situated. In the meaning of this agreement a temporary enterprise within the territory of the other State is one whose presumable duration will not exceed six months. For each separate enterprise within the territory of the other State the period of time shall be reckoned separately.

Persons thus temporarily employed include the traveling staff of transport lines who cross the borders on through trains and also persons who without change of their business domicile are sent in urgent cases to serve as substitutes on railroads within the territory of the other State, for not over six months.

ART. 2. In case of doubt as to whether according to the provisions of article 1, the accident insurance laws of the one or the other State are applicable, and if the insurers of the two countries can not come to an agreement between themselves and with the managers of the undertaking, and in case of compensation proceedings with the party entitled to indemnity, the authorities of the

[1] See p. 144.

[2] See pp. 144, 145.

State in which the undertaking in question carries on operations shall have exclusive and final authority to decide—that is to say, in Germany, the Imperial Insurance Office, and in Luxemburg, the Government.

The decision rendered conformably to article 1 applies to the insurers in the other State and serves as the rule, without retroactive effect, to be followed, particularly in matters pertaining to payment of indemnities, and to determine whether the officials in the one or the other State are responsible for the final handling of the case. Before the decision by one of the two parties designated in article 1 a hearing is to be given to the insurers concerned and to the employer, and in case of compensation proceedings to the claimant; the decision rendered is to be communicated to the parties concerned.

ART. 3. If an accident occurs furnishing without doubt occasion for indemnity and yet there is doubt as to whether the payment is to be made by the insurers of the one or the other State, the insurer first involved in the case conformably to the legal proceedings valid for him shall, in the meanwhile, take care of the claimant.

The final cost shall fall upon the insurer, who shall as soon as possible be designated as the party obligated to pay compensation.

ART. 4. If in accordance with the principles of this agreement, single undertakings or branches of undertakings pass from the accident insurance jurisdiction of one country to that of the other, the change shall be effected at the end of the current year only. If there is an agreement between the insurers of the two countries, the transfer with legal effect of all parties concerned can be reckoned from the time of the coming into force of the present agreement.

Obligations resulting from accidents before the time of transfer must be met by that insurer by whom the undertaking responsible for the accident was insured before the time of the transfer.

ART. 5. In the execution of the accident insurance laws, especially in the proof of such industrial accidents as come under the accident insurance laws of the home State but occur in the territory of the other State, the competent officials and authorities shall lend mutual legal aid irrespective of their duty to investigate these accidents officially as soon as possible.

ART. 6. The foregoing terms shall apply by analogy to official employees of the German Empire, of a German federated State, or of a German Province or district who are employed in undertakings in which insurance is compulsory which are designated by article 1, but who, in place of being insured under the German system of accident insurance, are entitled to accident benefit within the meaning of section 7 of the German industrial accident insurance law.

In that case the authorities competent to make decisions conformable to article 2 differ from those designated by that article in that for imperial employees the Imperial Insurance Office is replaced by the Chancellor and for the employees of the States, Provinces, and districts by the central authorities of the particular States.

In cases when the German laws on accident relief apply, the provisions of these laws on the compensation of other accident claims under the German law shall also apply to compensation claims made in pursuance of the laws of Luxemburg in respect of an accident occurring in Luxemburg.

ART. 7. This treaty shall come into force one month after its conclusion and it can be denounced by either party on January 1 of each year, with the same to take effect the first day of January of the year next following.

In witness whereof the plenipotentiaries of both parties have signed the present treaty and affixed their seals thereto.

Drawn up in duplicate in Luxemburg, September 2, 1905.

Treaty Between France and Belgium Relating to Compensation for Injuries Resulting from Industrial Accidents [1] (Feb. 21, 1906).

ARTICLE 1. Belgian subjects meeting with industrial accidents in France, and likewise their dependents, shall enjoy the compensation and guaranties granted to French citizens by the legislation in force relating to compensation for industrial accidents.

Reciprocally, French subjects meeting with industrial accidents in Belgium, and likewise their dependents, shall enjoy the compensation and guaranties granted to Belgian citizens by the legislation in force relating to compensation for industrial accidents.

ART. 2. Notwithstanding an exception to the rule shall be made if the persons in question were sent out of their own country temporarily, and occupied for less than the last six months on the territory of that one of the two contracting States where the accident occurred, but were taking part in an undertaking established within the territory of the other. In such case the persons interested shall have a right only to the compensation and guaranties provided by the legislation of the latter State.

The same rule shall apply to persons attached to transport undertakings and employed intermittently, whether regularly or not, in the country other than that where the undertaking is domiciled.

ART. 3. The exemptions allowed as regards stamps, records, and registration and the free delivery stipulated for by the Belgian legislation relating to industrial accidents are hereby extended to proofs, certificates, and documents contemplated by the legislation in question which have to be drawn up or delivered in pursuance of the French law.

Reciprocally, the exemptions allowed and free delivery stipulated for by the French legislation are hereby extended to proofs, certificates, and documents contemplated by the legislation in question which have to be drawn up or delivered in pursuance of the Belgian law.

ART. 4. The French and Belgian authorities shall lend each other mutual assistance with a view to facilitating reciprocally the execution of the laws relating to industrial accidents.

ART. 5. The present treaty shall be ratified and the ratifications exchanged at Paris as soon as possible.

The treaty shall come into force in France and Belgium one month after it has been published in the two countries in accordance with the forms prescribed by their respective laws.

It shall remain in force until the expiration of one year from the day after it shall have been denounced by one or other of the contracting parties. In testimony whereof the respective plenipotentiaries have signed the present treaty and affixed their seals thereto.

Note, Dated March 12, 1910, in Pursuance of the Convention Respecting Compensation for Injuries Resulting from Industrial Accidents, Concluded at Paris on February 21, 1906, Between France and Belgium.[1]

In the application of article 4 of the said convention, the two signatory States agree that in case of an accident giving occasion for an inquiry notice of the termination of the said inquiry shall be given immediately to the consular authority of the district where the victim was residing at the time of the accident, in order that the authority in question may take note of the said inquiry in the interests of the interested parties.

This agreement shall not come into operation for three months after it is signed.

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[1] See p. 145.

Agreement Concluded on June 9, 1906, Between France and Italy, Relating to Compensation for Injuries Resulting from Industrial Accidents.[1]

ARTICLE 1. Italian workmen or employees who meet with accidents arising out of or in the course of their employment on French territory, or their representatives, shall have the same rights to compensation as French workmen or employees, or their representatives, and vice versa.

ART. 2. The same rule shall apply, subject to the conditions contained in the following articles, to claimants who were not residing within the territory of the country where the accident happened at the time when it occurred, or who subsequently ceased to reside therein.

ART. 3. If an accident is followed by an inquiry, notice of the conclusion of the inquiry shall be given immediately to the consular authority of the district within which the injured workman was living at the time when the accident occurred, in order that the said authority may take note of the inquiry in the interests of the claimants.

ART. 4. Employers and insurers in either country shall have the right to pay installments of benefit or compensation due through the agency of the consular authority, contemplated in the preceding article, of the other country. The said authority shall produce the papers of identity and life certificates, and also make provision for forwarding installments of benefit or compensation to subjects of his country residing within his district at the time of the accident.

ART. 5. The Italian National Accident Insurance Fund shall insure French employers, on the model scale appended to this agreement, against their liabilities to representatives, not being resident in France, of injured Italian workmen, if such employers desire to be relieved from the obligation of making inquiries and other similar proceedings.

The proper authorities of the two countries shall revise this provisional scale as soon as possible in the light of statistical data to be collected hereafter.

ART. 6. If an employer or insurer has made provision with the French National Old-Age Pensions Fund for pensions to Italian workmen or their representatives, payment of such pensions shall, at their request, be made to them through the Italian National Workmen's Disablement and Old-Age Provident Fund. In this case the French National Fund shall settle with the Italian Fund by forwarding every quarter the amount of the pension claims which would have been payable in France.

In the case of benefits, the rate of which is definitely fixed, the French National Fund may settle with the Italian National Fund by depositing a capital sum equivalent to the actuarial value of the benefit in accordance with the scale on which the same has been acquired; this deposit shall be devoted to the purchase of an annuity in accordance with the scale in force for the Italian National Fund at the time.

ART. 7. If an employer or insurer has deposited with the Italian National Provident Fund compensation due to French workmen, the fund shall, on application, forward to them by money order (mandat postal) the amounts which would have been payable in Italy.

In the case of benefits the rate of which is definitely fixed, the fund may discharge its liabilities by depositing with the French National Pension Fund a capital sum equivalent to the actuarial value of the benefit in accordance with the scale on which the same has been acquired; this deposit shall be devoted to the purchase of an annuity in accordance with the scale in force for the French National Fund at the time.

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[1] See pp. 146, 147.

Compensation falling due for fatal accidents incurred by French workmen in Italy may be deposited in the form of a lump sum with the French Deposit Fund (*Caisse des dépots et consignations*), which shall hold the amount at the disposal of the interested parties on their claim being proved.

ART. 8. The money orders contemplated in the first paragraph of article 7 and sums forwarded by the [French] National Pension Fund to the Italian National Provident Fund, or reciprocally, shall take the form of office orders (mandats d'office) under the conditions set forth in article 5 of the agreement relating to the transfer of deposits between the ordinary savings banks of the two countries.

ART. 9. The two national funds shall always reserve the right to amend their respective scales in the future.

ART. 10. Exemption from taxes and any financial advantages granted by French law to documents which have to be presented in order to obtain compensation, shall apply equally in cases where the documents in question are required for the payment of compensation under Italian law, and vice versa.

ART. 11. If an Italian workman, not resident in France, fails to receive the compensation to which he is entitled, and if he applies to the guaranty fund established by French law, the duties devolving, in connection with such applications, upon the municipal authorities, shall be fulfilled, on his behalf, by the Italian consular authorities in Paris, under conditions to be determined by the authorities concerned in the two countries.

ART. 12. Each of the two contracting parties reserves the right, in the case of force majeure, or of urgent circumstances, to suspend the terms of this agreement, wholly or in part, in so far as it concerns the respective functions of the national funds of the two countries. Notice of suspension shall be given, through diplomatic channels, to the proper authorities of the other State.

The notice shall fix the date after which the regulations relating to the said functions shall cease to have effect.

ART. 13. The proper authorities of the two countries shall agree together upon the proofs to be furnished in the cases contemplated in articles 4, 5, 6, and 7, and the conditions under which the said articles shall apply to injured workmen or their dependents not residing either in France or Italy.

They shall at the same time draw up detailed rules and regulations necessary for the execution of this agreement.

ART. 14. This agreement shall come into force on a day to be agreed upon by the two States after its promulgation in accordance with their respective laws.

Except in the case contemplated in the convention of April 15, 1904, this agreement shall remain in force for five years. The two contracting parties shall be mutually bound to give one year's notice of their intention to terminate the agreement at the conclusion of this period. In the absence of such notice, the agreement shall be renewed from year to year, for the term of one year, by tacit consent.

ART. 15. If one of the two contracting parties shall have announced its intention of withdrawing from the agreement, the agreement shall continue to have full force, as far as concerns the right of injured persons or their representatives, against their employers in respect of all accidents occurring before the expiration of the agreement. Notwithstanding, it shall cease to have effect on its expiration as far as concerns the duties devolving upon the consular authorities and the obligations or functions of the national funds of the two countries, except as regards the settlement of accounts then current, and the distribution of annuities, the capital value of which they may have received previously.

SCHEDULE.[1]

	Annual reinsurance premium [francs] on 1,000 francs wages.
Industrial occupations in general	4.98
Mines	12.36
Quarries	10.02
Manufacture of glass, ceramic goods, brick works	3.24
Manufacture of glass	1.38
Manufacture of ceramic goods	1.32
Brick works	4.62
Iron and steel works	3.60
Metal works (other than iron and steel), scientific and musical instrument works	1.14
Metal works (other than iron and steel)	.96
Scientific instrument works	1.38
Musical instrument works	.78
Chemical industries	4.26
Gas and water undertakings	3.30
Textile industry	.78
Flax, hemp, jute, and other fiber works	1.08
Silk works	.30
Silk textile industry (excluding flax, hemp, jute, etc.)	.78
Textile industry (excluding silk)	.78
Paper and typographical works	1.62
Manufacture and preparation of paper	2.46
Manufacture of paper	4.98
Preparation of paper	.54
Typographical works	.36
Leather and clothing industry	.96
Leather works	2.46
Clothing works	.42
Wood works	3.06
Preparation of articles of food, slaughterhouses, preparation of tobacco	.66
Preparation of articles of food	1.44
Slaughterhouses	.96
Preparation of tobacco	.12
Mills, manufacture of sugar, distilleries, breweries, and malting houses	6.00
Mills	7.32
Manufacture of sugar	5.34
Distilleries	4.62
Breweries and malting houses	6.06
Building operations	6.96
Special for chimney sweeping	5.82
State railways	7.92
Private railways	6.54
Street railways	4.20

An economic and legal classification peculiar to Germany, corresponding to the ordinary division of industries into great, medium, and small.

[1] The schedule revised June 4, 1907, is given in place of the one attached to the first draft of the agreement. This schedule contains the following note:

As regards the execution of article 14, it is hereby agreed that articles 1, 2, and 3 shall come into force three months after their promulgation in both countries.

As regards article 10, it is to be understood that neither country can be held bound to make any advances in respect of costs in proceedings or applications to be heard in the other country.

Forwarding undertakings, warehousing	9.84
Carting department warehouses	7.26
Cartage	14.46
Navigation:	
Inland	18.30
Sea	14.22
Naval administration	2.94
Military administration	1.20
Posts and telegraphs administration	4.62

Convention Between France and Luxemburg Relating to Compensation for Inuries Resulting from Industrial Accidents [1] (June 27, 1906).

ARTICLE 1. Subjects of the Grand Duchy of Luxemburg meeting with industrial accidents in France, and likewise their dependents, shall enjoy the compensations and guaranties granted to French subjects by the legislation in force relating to compensation for industrial accidents.

Reciprocally, French subjects meeting with industrial accidents in Luxemburg, and likewise their dependents, shall enjoy the compensation and guaranties granted to subjects of the Grand Duchy of Luxemburg by the legislation in force relating to compensation for industrial accidents.

ART. 2. Notwithstanding, an exception to this rule shall be made if the persons in question were sent out of their own country temporarily, and occupied for less than the six months last past on the territory of that one of the two contracting States where the accident occurred, but were taking part in an undertaking established within the territory of the other. In such case the persons interested shall have a right only to the compensation and guaranties provided by the legislation of the latter State.

The same rule shall apply to persons attached to transport undertakings, and employed intermittently, whether regularly or not, in the country other than that where the undertaking is domiciled.

ART. 3. The exemptions allowed as regards stamps, records, and registration and the free delivery stipulated for by the legislation of the Grand Duchy relating to industrial accidents are hereby extended to proofs, certificates, and documents contemplated by the legislation in question which have to be drawn up and delivered in pursuance of the French law.

Reciprocally, the exemptions allowed and free delivery stipulated for by the French legislation are hereby extended to proofs, certificates and documents contemplated by the legislation in question which have to be drawn up and delivered in pursuance of the law of the Grand Duchy of Luxemburg.

ART. 4. The French authorities and the authorities of the Grand Duchy of Luxemburg shall lend each other mutual assistance with a view to facilitating reciprocally the execution of the law relating to industrial accidents.

ART. 5. The present treaty shall be ratified and the ratifications exchanged at Paris as soon as possible.

The treaty shall come into force in France and in the Grand Duchy of Luxemburg one month after it has been published in the two countries in accordance with the forms prescribed by their respective laws.

It shall remain in force until the expiration of one year from the day after it shall have been denounced by one or other of the contracting parties. In testimony whereof the respective plenipotentiaries have signed the present treaty and affixed their seals thereto.

Drawn up in duplicate at Paris, June 27, 1906.

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[1] See p. 148.

Treaty Between the German Empire and Netherlands Relating to Accident Insurance [1] (Aug. 27, 1907).

ARTICLE 1. Undertakings to which the accident insurance laws of the two contracting States apply and which are domiciled within the territory of one State and carry on business also within the territory of the other, shall, subject to the exceptions contemplated in articles 2 and 3, be subject, in respect of business carried on within the territory of either State, exclusively to the accident insurance laws of that State.

Where, in accordance with the preceding paragraph, an undertaking carrying on business outside the territory of one State is subject to the insurance laws of the other, such undertaking shall be held to be an undertaking within the meaning of the said laws. Further regulations for the enforcement of the treaty shall be drawn up independently by each State according to the needs of their respective systems of accident insurance.

In Germany the said regulations shall be drawn up by the Imperial Chancellor or an authority designated by him, and in the Netherlands by the department having authority for the time being. The regulations so drawn up shall be communicated to the two Governments.

ART. 2. In the case of transport undertakings carrying on operations across the frontier, the accident insurance laws of the country where the undertaking is domiciled shall alone apply in respect of the traveling staff, regardless of the extent of the operations carried on in the two respective countries. The traveling staff shall remain subject to the said insurance laws also in respect of other classes of employment carried on on behalf of such transport undertakings outside their country of domicile.

ART. 3. Persons employed in a department of any kind of undertaking where insurance is compulsory under the laws of their own country, shall, on being transferred to work in the other country, remain in respect of all branches of their employment in the said country, for the first six months of such employment, subject exclusively to the accident insurance laws of the country where the firm is domiciled, provided that the rules contained in article 2 shall not be affected thereby. If the employment in the said country is interrupted for a period not exceeding 30 days, such period shall be included in the six months' limit. If the period during which the employment is interrupted exceeds 30 days, the course of the six months shall be held to be broken off, and, on the resumption of employment in the said country, a new term of six months shall be held to begin. In applying the preceding rules, account shall not be taken of any period before this treaty comes into force.

ART. 4. Where the accident insurance laws of one country are applicable, the rules contained in such laws for proving claims thereunder in respect of accidents occurring outside the realm shall apply, by analogy, to compensation claims made in pursuance of the laws of the other country in respect of an accident occurring in such country.

ART. 5. In administering the accident insurance laws the proper authorities shall give each other mutual assistance in determining the facts of any case.

Where, in dealing with an accident insurance case, the authorities of one country deem it necessary to procure the sworn depositions of witnesses and experts in the other country, a request to this effect duly submitted through diplomatic channels shall be acceded to. The authorities instructed by the Government of the said country, or having jurisdiction without such instructions, shall summon the witnesses or experts by official action, and, if neces-

[1] See pp. 148, 149.

sary, use such means of compulsion as are prescribed in the case of similar proceedings in their own country.

ART. 6. Rules in force in one country relating to exemptions from stamp duties and fees in the case of accident insurance business shall apply by analogy in respect of the administration in such country of the accident insurance laws of the other.

ART. 7. Manufacturers shall not be required to pay higher contributions or premiums in respect of the accident insurance of one country for the reason that their undertakings are domiciled in the other.

ART. 8. The provision of articles 4 to 7 shall apply to undertakings subject to the accident insurance laws of one of the two countries, even in cases where the conditions set forth in article 1 do not obtain.

ART. 9. The terms of this treaty shall apply by analogy to those officials of the German Empire, of a German Federated State, or of a German group of parishes (Kommunalverband) who are employed in undertakings in which insurance is compulsory, but who are, notwithstanding, entitled to accident benefit within the meaning of German legislation, instead of being insured under the German system of accident insurance.

ART. 10. Where, in administering the accident insurance laws of one country, it is necessary to calculate the value of wages expressed in terms of the currency of the other country, such conversion shall be affected by taking as a general basis an average rate of exchange, which shall be determined by each of the two Governments for the purposes of the administration of the law in their respective countries, and which shall be communicated by each Government to the other.

ART. 11. This treaty shall be ratified and the ratification exchanged as soon as possible. The treaty shall come into force one month after the first day of the month following the exchange of ratifications.

Notice of withdrawal from the treaty may be given by either party at any time, and the treaty shall expire on the conclusion of the calendar year next following such notice.

Liabilities in respect of accidents occurring before this treaty comes into force shall continue thereafter to be fulfilled by the insurance institution wherein the branch in question of the undertaking was formerly insured. Similarly, on the expiration of this treaty, liabilities in respect of accidents which occurred while the treaty was in force shall continue to be fulfilled by the previous insurance institution.

In witness whereof the plenipotentiaries have signed this treaty in duplicate and set their seal thereto.

Supplementary Treaty Between the German Empire and Netherlands[1] (May 30, 1914).

(I) The following new section shall be inserted between Nos. 3 and 4 in the treaty of August 27, 1907, respecting accident insurance, concluded between the German Empire and the Netherlands:

SECTION 3*a*. Where, in pursuance of Nos. 1 to 3, the undertakings there designated are subject to the accident insurance [law] of one of the parties to the treaty, the persons employed in the undertakings shall be subject to the insurance even if they do not reside in the territory of the said party.

(II) The rule contained in the new No. 3*a*, contemplated in (I), shall apply to accidents which happened before the coming into force of the present treaty, provided that no decision having the force of law has been issued in respect of such accidents either before or on the day when the treaty comes into force.

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[1] See p. 149.

(III) This treaty shall be ratified by His Majesty the German Emperor and Her Majesty the Queen of the Netherlands, and the ratifications shall be exchanged as soon as possible.

The treaty shall come into force on the fourteenth day after the exchange of ratification.

Convention Signed at Paris, July 3, 1909, Between France and the United Kingdom.[1]

ARTICLE 1. British subjects who meet with accidents arising out of their employment as workmen in France, and persons entitled to claim through or having rights derivable from them, shall enjoy the benefits of the compensation and guaranties secured to French citizens by the legislation in force in France in regard to the liability in respect of such accidents.

Reciprocally, French citizens who meet with accidents arising out of their employment as workmen in the United Kingdom of Great Britain and Ireland, and persons entitled to claim through or having rights derivable from them, shall enjoy the benefits of the compensation and guaranties secured to British subjects by the legislation in force in the United Kingdom of Great Britain and Ireland in regard to compensation for such accidents, supplemented as specified in article 5.

ART. 2. Nevertheless, the present convention shall not apply to the case of a person engaged in a business having its headquarters in one of the two contracting States, but temporarily detached for employment in the other contracting State, and meeting with an accident in the course of that employment, if at the time of the accident the said employment has lasted less than six months. In this case the persons interested shall only be entitled to the compensation and guaranties provided by the law of the former State.

The same rule shall apply in the case of persons engaged in transport services and employed at intervals, whether regular or not, in the country other than that in which the headquarters of the business are established.

ART. 3. The British and French authorities will reciprocally lend their good offices to facilitate the administration of their respective laws as aforesaid.

ART. 4. The present convention shall be ratified, and the ratifications shall be exchanged at Paris, as soon as possible.

It shall be applicable in France and in the United Kingdom of Great Britain and Ireland to all accidents happening after one month from the time of its publication in the two countries in the manner prescribed by their respective laws, and it shall remain binding until the expiration of one year from the date on which it shall have been denounced by one or other of the two contracting parties.

ART. 5. Nevertheless, the ratification mentioned in the preceding article shall not take place till the legislation at present in force in the United Kingdom of Great Britain and Ireland in regard to workmen's compensation has been supplemented, so far as concerns accidents to French citizens arising out of their employment as workmen, by arrangements to the following effect:

(*a*) That the compensation payable shall in every case be fixed by an award of the county court.

(*b*) That in any case of redemption of weekly payments the total sum payable shall, provided it exceeds a sum equivalent to the capital value of an annuity of £4 (100 fr.), be paid into court, to be employed in the purchase of an annuity for the benefit of the person entitled thereto.

(*c*) That in those cases in which a lump sum representing the compensation payable shall have been paid by the employer into the county court, if the

[1] See pp. 149, 150.

injured workman returns to reside in France, or if the dependents resided in France at the time of his death or subsequently return to reside in France, the total sum due to the injured workman or to his dependents shall be paid over through the county court to the French National Old-Age Retirement Fund, who shall employ it in the purchase of an annuity according to its tariff at the time of the payment, and, further, that in the case in which a lump sum shall not have been paid into court, and the injured workman returns to reside in France, the compensation shall be remitted to him through the county court at such intervals and in such way as may be agreed upon by the competent authorities of the two countries.

(*d*) That in respect of all the acts done by the county court in pursuance of the legislation in regard to workmen's compensation, as well as in the execution of the present convention, French citizens shall be exempt from all expenses and fees.

(*e*) That at the beginning of each year His Majesty's principal Secretary of State for the Home Department will send to the Ministry of Labor and Social Welfare a record of all judicial decisions given in the course of the preceding year under the legislation in regard to workmen's compensation in the case of French citizens injured by accident in the United Kingdom of Great Britain and Ireland.

Arrangements Made Between the British Secretary of State for the Home Department and the French Ministry of Labor Respecting the Application of Article 5 of the Anglo-French Convention Agreed to at Paris on July 3, 1909 (Nov. 22, 1910).

In pursuance of article 6 of the order in council of November 22, 1909, made under the Workmen's Compensation (Anglo-French Convention) Act, 1909, to give effect to the convention between the United Kingdom and France in regard to compensation to workmen for accidents arising out of their employment, the following arrangements have been made between the Secretary of State for the Home Department and the French Ministry of Labor:

(1) The payments of compensation (in accordance with the provisions of paragraph (*c*) of article 5 of the convention) in the case of a workman in receipt of weekly payments who returns to reside in France shall be made every three months.

(2) An injured workman returning to reside in France must give previous notice to the registrar of the county court which awarded compensation (in Scotland to the sheriff clerk and in Ireland to the clerk of the Crown and peace), in order that the court may—

(*a*) Furnish him with a medical certificate specifying the nature of the incapacity of the workman resulting from the injury, and

(*b*) Determine, after hearing the parties, the intervals at which the workman shall be bound to produce, in support of the demand for payment of compensation due, a medical certificate that the incapacity resulting from the injury continues. These certificates shall be required at such intervals, not being less than 3 months, nor more than 12, as the county court (in Scotland the sheriff court) may determine, having regard to the nature of the incapacity.

(3) For the purpose of obtaining payment of compensation, an injured workman who has returned to reside in France shall obtain, every three months, from the mayor of the commune in which he resides, a certificate [1] that he is alive, and, at intervals, fixed by the county court (or sheriff court) a medical certificate [1] from a doctor employed in an official capacity in the Department,

[1] It has been arranged that the certificates shall be authenticated by a visé of the prefectorial administration attesting the official status of the mayor and the doctor, respectively.

to the effect that the incapacity specified in the medical certificate furnished to the workman by the county court (or sheriff court) continues.

In the event of the death of the workman the persons entitled to receive payment of the compensation due at the time of death shall furnish with their demand for payment a certificate of the workman's death and documents showing that they are entitled to receive payment.

(4) The documents specified in the preceding clause shall be forwarded with the demand for payment to the French consular authority for the district in which the county court (or sheriff court) which made the award is situated. The French consular authority shall take steps to forward the documents to the registrar of the county court (in Scotland to the sheriff clerk and in Ireland to the clerk of the Crown and peace), and to obtain payment of the amounts due. The consular authority shall be paid the amounts due without charge, and shall forward them to the persons entitled thereto.

Agreement Between Hungary and Italy Respecting Accident Insurance [1] (Sept. 19, 1909).

SECTION 1. Workmen and employees, being Hungarian subjects, who meet with accidents in occupations for which insurance is compulsory under the Italian act, No. 51, dated January 31, 1904 (codified text), and any later acts amending same, together with their dependents entitled to compensation, shall have a claim to the same treatment and compensation as Italian subjects under the said Italian act (codified text) and any later acts amending the same. On the other hand, workmen and employees, being Italian subjects who meet with accidents in occupations for which insurance is compulsory under the Hungarian act No. 19 of 1907, and any later acts amending the same, together with their dependents entitled to compensation, shall have a claim to the same treatment and compensation as that granted to Hungarian subjects for industrial accidents by the Hungarian act No. 19 of 1907, and any later acts amending the same.

The mutual right contemplated in the preceding paragraph shall extend also to workmen and employees employed in occupations for which insurance is compulsory, by firms being domiciled or having permanent representation within the territory of one of the two States, who meet with industrial accidents when working outside the territory of both, unless the industrial accidents legislation in force in the State where the accident occurs applies to such workmen or employees.

Similarly, dependents of any such persons having met with an industrial accident shall have a claim to compensation even if at the time of the accident they were not within the territory of that one of the two States where the accident occurred.

In addition, compensation shall be paid to workmen or employees having met with industrial accidents who, after the said accident, return and live permanently in their own country.

The dependents of a workman or employee having met with an industrial accident shall receive compensation even if they have never resided within the territory of the State where the accident occurred, or if after residing there they betake themselves permanently to a foreign country.

SEC. 2. The proper authorities of one of the two States having in hand the investigation of an industrial accident sustained by a workman or employee belonging to the other State, shall forward a copy of the report on the investigation within eight days of the issue of the same to the proper consular authority of the place where the accident occurred.

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[1] See pp. 150, 151.

SEC. 3. At the request of the Italian consular authorities the proper Hungarian authorities shall lend their assistance in determining whether in the case of a person residing in Hungary the conditions attached to the receipt of an annuity are satisfied, or whether any changes have been introduced likely to affect the amount of the compensation payable. The same shall apply on the other hand to Italian authorities in the event of a similar request on the part of the Austro-Hungarian consular authorities.

SEC. 4. Hungarian subjects awarded compensation in pursuance of section 1 of this agreement shall, if they are not resident in Italy, be bound to observe the regulations for such cases issued by the Italian institution concerned, and vice versa.

SEC. 5. A Hungarian institution which, in pursuance of Hungarian law, is required to pay an annuity to an Italian subject resident in Italy may relieve itself of its obligation by paying to the proper Italian institution the capital corresponding to the annuity in question in accordance with the tariff of the latter in force at the time the payment is made. In such case the said Italian institution shall take over the payment of the annuity subject to such conditions and regulations as may be adopted in agreement with the Hungarian institution concerned. On the other hand, an Italian institution which, in pursuance of the Italian act, is required to pay an annuity to a Hungarian subject resident in Hungary, may relieve itself of its obligations by paying to the Hungarian institution concerned the capital corresponding to the annuity in question in accordance with the tariff of the latter institution in force at the time when the payment is made. In such case the said Hungarian institution shall take over the payment of the annuity subject to such conditions and regulations as may be adopted in agreement with the Italian institution concerned.

The Hungarian institution concerned may, in addition, charge the proper Italian institution to pay out in its stead, to Italian subjects resident in Italy, annuities payable under the Hungarian act, and vice versa. Such payments shall be made subject to such conditions and regulations as may be mutually agreed upon by the two institutions.

Agreements may also be come to by the Hungarian and Italian institutions concerned in reference to financial transactions carried on by post in connection with the payment of compensation.

SEC. 6. The Hungarian and Italian institutions concerned shall have power to vary the rules contained in section 4. They may also vary the tariffs contemplated in section 5 of the agreement, provided only that equality in the treatment of the subjects of the two States shall be maintained.

SEC. 7. In the preceding articles the Hungarian institution concerned shall mean the "National Institution for the Maintenance of Invalid Workmen and for Insurance against Accident" (Országos Munkásbetegsegélyzö és Balesetbiztositó Pénztár) of Budapest or of Zagrabria, according as the injured person belongs to the one or the other, and the Italian institution concerned shall mean the "Italian National Workmen's Invalidity and Old-Age Insurance Institution" (Cassa Nazionale italiana di previdenza per la invalidità e per la vecchiaia degli operai).

SEC. 8. Any exemptions from taxes and fees and any other fiscal exemptions allowed by the laws of either of the two States in the case of documents relating to the drawing of compensation shall apply equally in cases where such documents are used in the other State for the drawing of compensation in pursuance of the laws there in force.

SEC. 9. Disputes which arise between the two States respecting the interpretation and application of this agreement shall be referred to arbitration on the demand of one of the two States.

For every such dispute a court of arbitration shall be instituted as follows: Each of the two States shall name two suitable persons, being its own subjects, as arbitrators; these shall agree amongst themselves as to the choice of a president belonging to a third friendly State. The two States reserve to themselves the right of nominating in advance and for a definite term the person who shall act as president in the ending of any dispute.

The court of arbitration shall sit on the first occasion within the territory of the State chosen by agreement for the purpose; on the second occasion within the territory of the other, and so on, alternately in one or the other State. The State where the court is to sit shall determine the place where the sitting shall be held, and shall make arrangements for the rooms, employees, and attendants necessary in connection with the work of the court. The president shall preside in the court. Resolutions shall be adopted by a majority. The two States shall agree in each separate case or once for all upon the procedure to be observed by the court. In the absence of any such agreement the court shall adopt its own procedure. The proceedings may, if neither of the two States objects, be carried on in writing. In this case the provisions of the preceding paragraph may be varied.

As regards the serving of the summonses to appear before the court of arbitration and letters of request, the authorities of either State shall, on the application in that behalf of the court to the Government concerned, lend their assistance in the same manner as they are in the habit of doing on the application of the civil courts of the country.

SEC. 10. This agreement shall come into force thirty days after the exchange of ratifications and shall remain in force for at least seven years. On the conclusion of this term the agreement may be set aside after notice at any time; notwithstanding, it shall remain in force after such notice until December 31 of the year following that when the notice was given.

Even after the said notice has been given this agreement shall continue to apply without limitation to the claims of injured persons and their dependents to whom compensation is due from the institutions named in this agreement in respect of industrial accidents occurring not later than December 31 in the year following that on which notice was given.

On the said date the power given to consular authorities and the rights and duties of the institutions in their mutual relations under this agreement shall cease, except as regards the settlement of accounts outstanding between the institutions at the time and the payment of all those annuities for which they have been paid the capital value in advance.

SEC. 11. The provisions of sections 1 to 8 of this agreement shall apply retrospectively back to July 1, 1908.

SEC. 12. This agreement shall be ratified and the ratifications shall be exchanged at Rome as soon as possible.

Agreement Concluded on June 10, 1910, Between France and Italy Relating to the Protection of Young Persons of French Nationality Employed in Italy and of Young Persons of Italian Nationality Employed in France.[1]

SECTION 1. The provisions of the agreement are concerned with the provisions of the French act of November 2, 1892, on the one hand, and with the provisions of the Italian act of November 10, 1907 (codified text), on the other hand, and

[1] See pp. 151–153.

their object is better to secure the protection of young people of Italian nationality in France and of young people of French nationality in Italy.

Except in so far as concerns the alternative elementary school certificate contemplated in section 4, and regardless of the special penalties hereinafter provided, all the provisions of the aforesaid French act and, in particular, the provisions relating to age and penalties shall apply to young persons of Italian nationality employed in France. Reciprocally, the provisions of the aforesaid Italian act shall apply to young persons of French nationality employed in Italy.

SEC. 2. In order to obtain an employment book contemplated in the acts of November 2, 1892, and November 10, 1907, or in any subsequent enactments regulating the granting of employment books in either country, young persons of Italian nationality in France and young persons of French nationality in Italy must produce to the communal authority a certificate conformable to the prescribed model (Schedule A) issued by the consul concerned. Notwithstanding, such certificate shall not be required in the case of young persons of Italian nationality whose birth is registered in the French civil registers, nor in the case of young persons of French nationality whose birth is registered in the Italian civil registers.

Both in France and Italy it shall be unlawful for a mayor to issue an employment book, unless the consul's certificate is produced to him, bearing a photograph of the owner of the certificate stamped on the certificate itself by the consul, or signed by the owner of the certificate in the presence of the consul. The mayor shall attest the certificate, seal it with the communal seal, and attach it to the employment book as an integral part of the same.

Every consul shall keep a register of the consular certificates issued by him, showing the forenames, surname, sex, age, and place of birth of each young person concerned, and the date when and the grounds on which the certificate was issued. Every consul shall, at the end of each year, send in to the French ambassador at Rome or the Italian ambassador at Paris, as the case may be, statistics of, and a report on, the certificates entered in the register. The ambassadors shall forward the documents in question to the authorities concerned in their respective countries.

Every mayor shall keep a register of the employment books issued by him, showing the forenames, surname, sex, and age of each young person concerned, the date of the consular certificate, and the date when the employment books were issued.

SEC. 3. In order to obtain a consular certificate, a young person must come before the consul, accompanied by his father, mother, or guardian, and must produce his employment book obtained in his country of origin.

He may also be accompanied by any other relative of full age or by the person who desires to employ him. Notwithstanding, in either case if he has not yet completed the fifteenth year of his age, he must produce a document, duly legalized, giving the consent of the person who possesses legal authority over him. The document in question shall be deposited at the consulate.

In the event of the young person being unable to produce an employment book issued to him in his country of origin, he may instead produce his birth certificate or a certificate of birth conformable to the prescribed model (Schedule B) and a certificate of identity attested by two of his compatriots known to the consul. Nothing in this paragraph shall affect any written consent contemplated in the foregoing paragraph.

SEC. 4. With regard to the employment in France of children between 12 and 13 years of age, the certificate prescribed in the Italian act of July 15, 1877 (No. 3961), may be produced in lieu of the elementary school certificate pre-

scribed in the French act of March 28, 1882. Similarly, in the case of French children between 12 and 13 years of age employed in Italy, the certificate prescribed in the French act may be produced in lieu of the certificate prescribed in the Italian act. Such certificates shall not be required in the case of young persons of Italian nationality in France or young persons of French nationality in Italy who have completed the thirteenth year of their age.

In order to make use in France of an Italian school certificate a young person must produce it to the Italian consul, in addition to the documents specified above in section 3, and a note to that effect shall be entered in the consular certificate (Schedule A). Reciprocally, the same formalities shall be complied with in Italy when it is desired to make use of a French certificate.

SEC. 5. The documents in pursuance of which the consular certificate is granted, and which are returnable to the persons concerned, shall be stamped by the consul with a special stamp (ink stamp), stating that they have been used to obtain a certificate authorizing their owner to commence work.

SEC. 6. Consular certificates (Schedule A), certificates of birth (Schedule B), and documents giving the consent of the parents, shall be exempt from all duties and fees, conformably to the provisions of the law of both countries respecting employment books and the documents required in order to obtain the same.

The preparation of documents and all official transactions, correspondence, or legalization of documents, incumbent upon the consular authorities in pursuance of this agreement, shall be undertaken without any charge to the young persons of Italian or French nationality concerned.

SEC. 7. The employer shall preserve the employment book during the whole continuance of the employment of the young person in question, and it shall be returnable on the termination of his employment.

The labor inspectors and the representatives of the judicial police shall, when visiting industrial establishments, examine all employment books and consular certificates, and shall confiscate any which are found to have been issued in an irregular manner, or to be in the possession of any young person other than the persons in respect of whom they were issued.

Notice of confiscation conformable to Schedule C shall be sent within three days to the prefect, who, within the same term, shall forward the notice to the consul in whose jurisdiction the commune in which the employment book was confiscated is situate. The consul shall send a copy of this notice, together with a letter conformable to Schedule D, to all his Italian colleagues in France or his French colleagues in Italy, in order that they may be kept informed, in case of need, of the confiscation of employment books and certificates. Every consul or consular agent shall keep a register of confiscated employment books and certificates.

Persons found to have falsified, altered, transferred, or unlawfully made use of an employment book shall be dealt with by the judicial authorities.

SEC. 8. Employment in unhealthy and dangerous trades shall be regulated by the law in force in the country where the work is performed. In the case of glass and crystal works, dangerous and unhealthy operations which, at the date of the signing of this agreement, may not lawfully be performed by young persons in Italy, shall not be lawfully performed by young persons in France, and reciprocally.

In view of the fact that the age of protected persons is not identical under the French act of November 2, 1892, and the Italian act of November 10, 1907, the decrees issued in both countries in pursuance of their respective acts shall specify the age of persons whom it shall not be lawful to employ in the operations in question.

The two Governments shall use their best endeavors to introduce uniformity in the age of protected persons by means of internal regulation. With this object they shall, if necessary, promote an international agreement within the meaning of section 3 of the convention of April 15, 1904.

SEC. 9. The two Governments shall organize in the large industrial centers protection committees, whose services shall be gratuitous, and which shall, as far as possible, be composed of compatriots of the young persons in question. The subprefect, or a prefectorial councilor, the mayor of the commune where the committee acts, and the labor inspector of the commune on the one hand, and the consul on the other, shall be ex officio members of the committee.

Within six months after the ratification of this agreement at least one committee shall be constituted in every French district (*arrondissement*) where more than 50 young persons of Italian nationality are employed.

These committees shall supervise:

(1) The strict enforcement of the laws and orders relating to the employment of young persons of Italian or French nationality. For this purpose they shall inform the labor inspectors of all contraventions of which they become aware, and, in particular, of cases where young persons are employed in work beyond their strength.

(2) The strict observance in France of the requirements respecting the granting of certificates of fitness contemplated in section 2, paragraphs 3, 4, and 5 of the act of November 2, 1892; in Italy, of the requirements respecting medical certificates contemplated in section 2 of the act of November 10, 1907, and respecting the conditions for the recognition of fitness prescribed by order in pursuance of the said act.

(3) The application to children of Italian nationality and their relations of the provisions of the French act of March 28, 1882, respecting compulsory elementary education, and the application to children of French nationality and their relations of the provisions of the Italian act of July 15, 1877.

The committees, with the assistance of the authority concerned, and subject to the requirements of the law of the country in question, shall also see that young persons lodged elsewhere than with their families are properly and humanely treated, and that all hygienic and moral requirements are observed in their case. In cases where the conditions of feeding, clothing, or housing are found to be defective, and in case of rough or bad treatment, the committees shall put the matter before the local authorities, who shall act according to the circumstances of the case.

Finally, these committees may, when necessary, extend their protection to all Italian workmen in France and to all French workmen in Italy, irrespective of age.

SEC. 10. The authorities concerned in both countries shall issue simultaneously the orders and regulations which they may consider necessary for the execution of this agreement.

SEC. 11. It is understood that consular agents may undertake all the operations intrusted to consuls in pursuance of this agreement.

SEC. 12. This agreement shall in both countries be submitted to Parliament for approval. It shall be ratified and come into operation one month after the exchange of ratifications, which shall take place at Paris. It shall remain in force for five years, and if it is not denounced six months before the conclusion of this period it shall be renewed for another period of five years, and so on thereafter.

Treaty of Commmerce and Navigation Between the German Empire and Sweden [1] (May 2, 1911).

The contracting parties undertake to examine by amicable arrangement the question of the treatment of Swedish workers in Germany and German workers in Sweden in respect of workmen's insurance, with the object of securing to the workmen of either country, in the other, by means of agreements adapted to that end, treatment which gives them as far as possible equal advantages.

Such arrangements shall be made by special agreement, and quite apart from the coming into force of the present treaty.

Treaty of Arbitration Between France and Denmark [2] (Aug. 9, 1911).

ARTICLE I. Differences of a judicial character, and especially those relating to the interpretation of the treaties existing between the two contracting parties, which might hereafter arise between them, and which it has been found impossible to arrange by diplomatic methods, shall be submitted to arbitration under the terms of the convention for the pacific settlement of international disputes, signed at The Hague on October 18, 1907, subject in all cases to the condition that they do not affect the vital interests, the independence, or the honor of either the contracting States, and that they do not touch the interests of other powers.

ART. II. Differences relating to the following questions shall be submitted to arbitration without the power to appeal to the reservations mentioned in article I:

(1) Pecuniary claims under the head of damages, where the question of indemnity is recognized by both parties.

(2) Debts arising from contracts claimed from the Government of either of the parties by the Government of the other party as being due to the subjects of the respective State.

(3) Interpretation and application of the stipulations of the convention relating to trade and navigation.

(4) Interpretation and application of the stipulations of the convention relating to the matters hereunder indicated:

Industrial property, literary and artistic property, international private right as regulated by The Hague conventions, international protection of workers, posts and telegraphs, weights and measures, sanitary questions, submarine cables, fisheries, measurement of ships, white-slave trade.

In differences relating to the matters contemplated under No. (4) of the present article, and with regard to which, according to the territorial law, the judicial authority would be competent, the contracting parties shall be under the obligation of not submitting the question in dispute to arbitration until after the national jurisdiction shall have been definitely pronounced.

Arbitration judgments given in the cases contemplated in the preceding paragraph shall have no effect on previous judicial decisions.

The contracting parties engage to take, or, if occasion requires, to propose to the legislative power the necessary measures in order that the interpretation given in the arbitration judgment in the cases above contemplated may be adopted thereafter by their tribunals.

ART. III. In each particular case the high contracting party shall sign a special engagement stating clearly the subject of the dispute, the scope of the power of the arbitrators, the procedure, and the delays to be observed as regards the operations of the arbitration tribunal.

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[1] See ante, p. 153.

[2] See ante, pp. 153, 154.

The contracting parties shall agree to invest the arbitration tribunal contemplated in the present convention with the power of deciding, in the event of disagreement between them, as to whether a dispute which has arisen between them shall come under the heading of disputes to be submitted to compulsory arbitration, in conformity with articles 1 and 2 of the present convention.

ART. IV. If, within the year following the notification by that party most desirous for a compromise, the high contracting parties should not succeed in coming to an understanding on the measures to be taken, the permanent court shall be competent to establish the compromise. It may take cognizance of the matter by request of a single one of the parties.

The compromise shall be decided in conformity with the provisions of articles 54 and 55 of The Hague convention for the pacific regulation of international disputes, dated October 18, 1907.

ART. V. The present convention shall continue for a term of five years, with power of tacit continuance for successive terms of five years, from the time of exchanging the ratifications.

ART. VI. The present convention shall be ratified as soon as possible, and the ratification shall be exchanged at Copenhagen.

Convention Between the German Empire and Belgium in Regard to Insurance Against Industrial Accidents [1] (July 6, 1912).

I.—REGULATIONS IN REGARD TO UNDERTAKINGS WHOSE SPHERE OF OPERATIONS EXTENDS OVER THE TERRITORY OF BOTH COUNTRIES.

ARTICLE 1. In regard to undertakings which have their headquarters within the territory of one of the contracting parties and whose sphere of operations extends over the territory of the other party, whenever these are subjected on both sides to the regulations of compulsory compensation for injuries resulting from industrial accidents (insurance against industrial accidents) saving those exceptions mentioned in articles 2 and 4, the legislation of the country in which they are carried out shall be exclusively applied, as far as the said operations are concerned.

This rule shall apply, regardless of the place at which the staff was engaged, provided that the matter deals with work to be carried out either in Germany or in Belgium.

ART. 2. As regards any undertakings which are financed either by the German Empire, a Federated German State, a German commune, or an association of German communes, or by the Belgian State, a Belgian Province, a Belgian commune, or an association of Belgian communes or Provinces, the legislation of the country in which the undertaking has its headquarters shall be exclusively applicable, even to operations undertaken on the territory of the other country by a public representative in the employ of the said undertaking.

ART. 3. In transport undertakings, as far as the moving (traveling) portions of the undertaking are concerned, which extend from one territory to another, whatever may be the relative importance of the operations carried out on either side, that legislation shall be exclusively applied which is in force in the country in which the undertaking has its headquarters. The staff of the traveling part shall remain subject to this legislation, even should they be engaged on work connected with other departments of the undertaking which are carried out on the territory of the other country.

ART. 4. Without prejudice to the regulations of articles 2 and 3, in undertakings of all kinds, the legislation of that country in which the undertaking

[1] See pp. 155, 156.

has its headquarters shall continue to apply exclusively for the first six months during which the undertaking carries out operations on the territory of the other country, as far as concerns those persons who, until they were occupied in this latter country, were attached to a portion of the undertaking subjected to the said legislation.

ART. 5. For the purpose of calculating the time limit during which the undertaking carries out operations outside the country in which its headquarters are found (art. 4) several operations undertaken concurrently must be considered as forming only one and the same work, which extends from the commencement of the first of these portions until the completion of the last.

The same rule shall apply should it be a question of works undertaken successively, one after the other, and which are not separated by an interval of more than 30 days. Should the interval be over 30 days, a fresh time limit of six months shall commence from the resumption of operations.

The time previous to the coming into force of the present convention shall be included in the time limit.

ART. 6. If, in pursuance of articles 1 and 4, an undertaking whose headquarters are in one of the countries should be subjected to the legislation of the other country, as far as the business carried out on the territory of the latter is concerned, the work included in this business shall be considered as an undertaking in the sense of the said legislation.

ART. 7. Whenever, in one of the countries, grants have been allowed by way of legal indemnity, relative to an accident, the consequences of which, in virtue of the present convention, must be compensated for according to the legislation of the other country, the party liable shall be bound to reimburse the said grants, setting them off against the indemnity which is due from him.

ART. 8. Whenever an accident which has taken place on the territory of one of the countries comes under the application of the legislation relative to compensation for injuries resulting from industrial accidents of the other country, that legislation shall apply, likewise as far as actions for civil liability are concerned, to which the accident may give rise, according to the legislation of the first country.

This rule shall apply even when an undertaking is only subjected in one of the two countries to the laws of compulsory compensation for injuries resulting from industrial accidents.

II.—REGULATIONS IN REGARD TO RECIPROCAL RELATIONS IN THE MATTER OF COMPENSATION FOR INJURIES RESULTING FROM INDUSTRIAL ACCIDENTS IN GENERAL.

ART. 9. In order to facilitate on either side the carrying out of the legislation relative to industrial accidents, the competent administrative and judicial authorities shall give each other mutual assistance and shall lend each other judicial assistance according to the regulations in force in civil and commercial matters. In urgent cases the authorities shall even give, officially, the necessary means of information as if it were a question of carrying out their national law.

ART. 10. The provisions in force in one of the countries according to which exemptions from stamp and other fiscal duties or advantages of another class may be accorded in regard to industrial accidents, shall apply whenever it is a case of carrying out in the said country the legislation of the other country.

ART. 11. Whenever the party to whom the indemnity is due does not reside in the country of the party who is liable to pay the indemnity, but comes from the other country, the party liable may legally make payments to the consular

authority of the country of the creditor, in the district in which the said debtor lives or where the headquarters of his business are situated.

The consular authority must act as intermediary for the communication of the necessary certificates (life certificate, widowhood certificate, etc.).

ART. 12. As far as the questions mentioned in article 2 are concerned the territorial spheres and districts of the consular authorities shall be fixed by an arrangement to be concluded between the two Governments.

ART. 13. In the application of legislation in regard to industrial accidents of one of the countries, whenever it may be necessary to express the value of remuneration for work in coinage of the other country, the conversion shall take place on a basis of a mean value determined by each of the two Governments for the application of its legislation, which information it shall cause to be transmitted to the other Government.

ART. 14. The system of insurance adopted for the German officials, instead of insurance against accidents, shall be assimilated to the said insurance as far as the present convention is concerned.

III.—TEMPORARY REGULATIONS AND FINAL REGULATIONS.

ART. 15. The obligations resulting from accidents which took place previous to the coming into force of the present convention shall remain, even in the future, at the charge of the person previously liable.

ART. 16. The regulations relative to the carrying out of the present convention shall be decreed by each of the contracting parties, in their respective autonomy, as far as it may be necessary in regard to their jurisdiction, namely, in Germany by the Chancellor of the Empire or by the authority which he shall appoint, in Belgium, by the competent authority according to the circumstances. The two Governments shall communicate to each other the regulations thus made.

ART. 17. The present convention shall be ratified by His Majesty the German Emperor and by His Majesty the King of the Belgians, and the ratifications shall be interchanged as soon as possible.

The convention shall come into force on February 1, 1913. It may be denounced at any time by the two parties, and it shall cease at the expiration of the year following the denunciation.

In the event of the denouncing of the present convention the obligations resulting from accidents which have taken place whilst the convention was still in force shall continue to be carried out by the parties previously liable.

Convention Between the German Empire and the Kingdom of Italy With Respect to Workmen's Insurance [1] (July 31, 1912).

PART I.—ACCIDENT INSURANCE.

ARTICLE 1. The two contracting parties place the subjects of their respective countries and their survivors on an equal footing with the subjects of the other country and their survivors with respect to benefits derived from the German industrial accident insurance and the German seamen's accident insurance on the one hand and from the Italian accident insurance on the other hand.

This condition shall hold good for the Italian accident insurance of agricultural laborers only if the latter are subject to the accident insurance according to the Italian act dated January 31, 1904, now in force.

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[1] See pp. 156–158.

ART. 2. The principle of equality of rights (sec. 1) shall not exclude a payment being made, in the place of an annuity, of three times the amount of the annuity, with the consent of the person entitled thereto, or of a capital sum corresponding to the value of the annuity, without the consent of the person entitled thereto.

In the German accident insurance the general regulations issued by the Federal Council shall apply for the calculation of the corresponding capital value.

In the Italian accident insurance the general regulations which hold good for the conversion of the capital amount of compensation into an annuity shall apply.

PART II.—INVALIDITY, OLD-AGE, AND SURVIVORS' INSURANCE.

ART. 3. The same contributions to the German invalidity and survivors' insurance shall be paid for Italian subjects as for German subjects, even if the former are enrolled as members of the National Workmen's Provident Fund for Invalidity and Old Age (Cassa nazionale di previdenza per la invalidità e per la vecchiaia degli operai), or of the Mercantile Marine Invalidity Fund (Cassa invalidi della marina mercantile).

If an Italian subject is enrolled as member of one of the said funds, the insurer of the German invalidity and survivors' insurance shall, upon request of the former, pay over to the National Provident Fund half the amounts, which are used for him, after the application has been made, as contributions of the Italian subject to the fund in which he is enrolled. All particulars, especially with respect to the issue of corresponding receipt cards, shall be determined by the Imperial Chancellor; the latter shall have previously secured the consent of the Italian Government, in so far as the National Provident Fund is concerned.

In the case of paragraph 2 an insured Italian subject and his survivors shall not be entitled to claim the benefits of the German invalidity and survivors' insurance unless such benefits must be granted for an insurance case arising previously to the making of the application. Contributions, of which half are to be paid over to the National Provident Fund in accordance with paragraph 2, shall not be taken into consideration with respect to the claim to such benefits.

ART. 4. Article 3, paragraphs 2 and 3, shall hold good also for Italian subjects who make use of the voluntary additional insurance, according to the German law. The German insurers shall pay over the full amount of the additional stamps.

ART. 5. With respect to maintaining the right to claim the benefits of the German invalidity and survivors' insurance, the fulfillment of the obligation of active military service in Italy is placed on a par with the fulfillment of the obligation of German subjects to serve under the colors.

ART. 6. German subjects residing in Italy shall be entitled to be enrolled as members of the Italian National Provident Fund, under the same conditions and with the same effects as Italian subjects, in so far as articles 7, 8, 10, and 11 do not contain any contrary stipulations.

ART. 7. German subjects shall be insured with the National Provident Fund under the condition of repayment of the contributions tariff of reserved capital. Upon application of the insured person, the contributions, including the amounts paid by others on behalf of the person enrolled, shall be refunded, should the insured person die or leave Italian territory before the contingency of insurance arises; in the latter case they shall be paid to the insured person.

If employers in Italy pay contributions to the National Provident Fund for their national workers or for certain classes of the same, they shall be bound to pay such contributions to the said fund also in a corresponding manner for their German workers.

ART. 8. The transfer from the workmen's insurance to the national insurance, which takes place according to Italian legislation when the conditions for inscription in the register of workmen's insurance with the National Provident Fund do not apply, shall entail for a German insured person the loss of the right to claim repayment of contributions only if he expressly agrees to the transfer.

ART. 9. German subjects belonging to the crew of an Italian sea-going ship shall be placed on the same footing as Italian subjects with respect to insurance with the Mercantile Marine Invalidity Fund, in so far as nothing to the contrary is hereinafter stipulated. For such German subjects the inscription in the Italian register of seamen shall not be a condition of the insurance.

If a German subject insured in this manner leaves Italian territory previous to the contingency of the insurance arising, without belonging to the crew of an Italian sea-going vessel, the contributions paid for him shall be refunded upon his request.

ART. 10. As long as a German subject who is entitled to an annuity from one of the said Italian funds, voluntarily has his ordinary abode outside the territory of the Italian State, his annuity shall remain suspended; in such a case his claim shall be compounded by the payment of triple the amount of his annuity.

So long as a German subject has been exiled from Italian territory, in consequence of a criminal conviction, his annuity shall remain in suspense.

If a German subject has left Italian territory in virtue of an order of an Italian authority, his annuity shall not remain in suspense, except in the cases referred to in paragraph 2. The Italian fund, however, may compound his claim with his consent, by the payment of triple the amount of his annuity.

ART. 11. Disputes with respect to the compounding of claims shall be decided by such proceedings as are prescribed for annuity claims in the Italian Invalidity and Old-Age Insurance Act.

ART. 12. Should the Italian invalidity, old-age, and survivors' insurance be extended to a larger circle of persons, the above conditions shall be correspondingly applied.

PART III.—GENERAL PROVISIONS.

ART. 13. With respect to the administration of the accident insurance as well as of the invalidity, old-age, and survivors' insurance of one country in the other country, mutual support and legal assistance shall be given by the competent authorities. Legal assistance shall be given, in so far as no contrary provisions are contained in the following articles, in accordance with the provisions in force for civil and commercial matters.

ART. 14. The Italian Government shall communicate to the German Government a list of medical men, clinical establishments, and hospitals, which, in the administration of the German workmen's insurance in Italy, are specially suitable for medical treatment and advice. It shall also take care that the expenses for treatment, examination, and advice by the medical men named in the list and for maintenance in the institutions therein mentioned are kept within reasonable limits.

ART. 15. The regulations of one country, according to which there exist exemptions from stamp duty and fees or other privileges with respect to the accident insurance and the invalidity, old-age, and survivors' insurance shall

be correspondingly applied, in so far as it may be necessary to administer in such country the respective workmen's insurance of the other country.

ART. 16. In the case of an accident happening to an Italian subject, the German department concerned shall immediately give notice to the Italian consular authority, which is competent for the district in question, of the termination of the inquiry into the accident.

The Italian consular authority may claim to follow the proceedings in connection with the inquiry and any subsequent proceedings to the same extent as the parties directly concerned.

The provisions of paragraph 2 shall be applied in a corresponding manner to the German Invalidity and Survivors' Insurance.

ART. 17. Should it be necessary to obtain evidence in Italy for establishing the claim of an Italian subject arising out of the German accident insurance or of the German invalidity and survivors' insurance, the German insurers and the German insurance authorities may avail themselves of the intermediary of the competent Italian consular authority for their district. The inquiries made in this manner shall be free of cost, with the exception of the medical evidence.

ART. 18. If, for the purposes of the administration of the German accident insurance and of the German invalidity and survivors' insurance, it should be necessary to serve documents, fixing certain periods, upon Italian subjects, who are not residing within the territory of the German Empire and whose abode is not known, the department having to effect the service shall claim the intermediary of the Italian consular authority in the district of which the department is situate.

The consular authority shall send to the department having to effect the service, within one week after receipt of the document, the certificate of the post office as to the delivery of the document. Should the department demand it, the consular authority shall cause inquiries to be made as to the whereabouts and delivery of the document and communicate to the department in question the information which it may receive in the matter from the post office. If the document is returned by the post office to the consular authority as undelivered, the consular authority shall transmit it immediately, with the annotations of the post office, to the department having to effect the service.

If the consular authority is not in a position to effect delivery of the document, the same shall be returned without delay, at latest before the expiration of one week from receipt, to the department having to effect the service.

If the intermediary of the consular authority for effecting the service has been made use of without result the department having to effect the service shall be at liberty to effect such service by other means.

The intermediary of the Italian consular authority may also be claimed for the service of documents which do not fix time limits.

ART. 19. The Italian Government shall introduce a procedure corresponding to that referred to in sections 16 and 18, when administering the Italian workmen's insurance in connection with German subjects, as soon as the German Government places at its disposal the intermediary of its consuls.

ART. 20. The contracting parties reserve to themselves the right to come to an arrangement by way of exchange of notes, as to the manner in which payments arising out of the workmen's insurance of the one country, to persons entitled to the same who are staying in the other country, shall be effected.

ART. 21. In matters which are regulated by this part, the local competence and the districts of the consular authority shall be determined according to an arrangement to be come to between the two Governments.

PART IV.—FINAL PROVISIONS.

ART. 22. The two contracting parties reserve to themselves the right, by an additional convention, to arrange that the subjects of the two countries shall be placed on the same footing, with respect to agricultural accident insurance on a larger scale, as soon as a system of accident insurance is introduced into Italy which may be equivalent to the German agricultural accident insurance.

ART. 23. In the same way the two contracting parties reserve to themselves the right, by an additional convention, to arrange that the subjects of the two countries shall be placed on the same footing, with respect to invalidity, old-age, and survivors' insurance as soon as a system of invalidity, old-age, and survivors' insurance is introduced into Italy which can be considered as equivalent to the German invalidity and survivors' insurance.

ART. 24. This convention must be ratified by His Majesty the German Emperor and His Majesty the King of Italy, and the deeds of ratification shall be exchanged as soon as possible.

ART. 25. The convention shall come into force on April 1, 1913.

Notice of discontinuance of the convention may be given at any time by either party, and it shall cease to be in force on the expiration of the year following that in which notice was given.

Agreement Between the German Empire and Spain Concerning the Reciprocal Communication of Accidents to Spanish Sailors on German Ships and of German Sailors on Spanish Ships [1] (concluded by Exchange of Diplomatic Notes on Nov. 30, 1912/Feb. 12, 1913).

ARTICLE 1. Should a Spanish sailor, employed on a German ship, meet with an accident during the execution of his work, and the ship be in a German port, or after the accident, anchor in a German port, the German authorities, to whom the skipper has given notice in pursuance of the regulations, shall notify the competent Spanish consul; if the ship is in a non-German port, the German consul to whom the skipper has given notice in pursuance of the regulations, must communicate with the competent Spanish consul. If the port is Spanish and at the same time the chief town of a Province, the civil government or else the alcalde shall be notified. Should the accident take place on the high seas, the German consul is bound, if possible, to notify the accident to the proper authorities within 24 hours from the moment the ship enters a Spanish port.

ART. 2. Should a German sailor, employed on a Spanish ship, meet with an accident during the execution of his duties, and the ship be in a Spanish port, or after the accident, anchor in a Spanish port, the Spanish authorities, to whom the skipper has given notice in pursuance of the regulations, shall notify the competent German consul; should the port not be Spanish, the Spanish consul to whom the skipper has given notice in pursuance of the regulations shall notify the competent German consul, and, should the port be German, the harbor police. Should the accident take place on the high seas the Spanish consul shall be bound, if possible, to notify the accident to the proper authorities within 24 hours from the moment the ship enters a Spanish port.

Treaty Between Italy and the United States of America, Amending the Treaty of Commerce and Navigation Concluded February 26, 1871, Between the Same High Contracting Parties [2] (February 25, 1913).

(I) It is agreed between the high contracting parties that the first paragraph of Article III of the treaty of commerce and navigation, February 26, 1871, between Italy and the United States, shall be replaced by the following provision:

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[1] See pp. 158, 159.

[2] See pp. 159, 160.

The citizens of each of the high contracting parties shall receive in the States and Territories of the other the most constant security and protection of their persons and property and for their rights, including that form of protection granted by any State or national law which establishes a civil responsibility for injuries or for death caused by negligence or fault, and gives to relatives or heirs of the injured party a right of action, which right shall not be restricted on account of the nationality of said relatives or heirs; and shall enjoy in this respect the same rights and privileges as are or shall be granted to nationals, provided that they submit themselves to the conditions imposed on the latter.

(II) The present treaty shall be ratified by His Majesty the King of Italy, in accordance with the constitutional forms of that kingdom, and by the President of the United States, by and with the advice and consent of the Senate thereof, and shall go into operation upon the exchange of the ratifications thereof, which shall be effected at Washington as soon as practicable.

Agreement Between France and Switzerland Relative to Pensions to be Granted to Members of the Staff of the Swiss Federal Railroads Employed on French Territory [1] (Oct. 13, 1913).

The Swiss Federal Council and the Government of the French Republic, in an endeavor to prevent the French or foreign members of the staff employed on French soil by the general administration of the Swiss Federal railroads from coming under the regulations concerning old-age pensions of both countries by the application of the Swiss and the French acts, have agreed on the following provisions:

(1) The members of the staff permanently employed within French territory by the general administration of the Swiss Federal railroads who benefit in Switzerland by old-age insurance corresponding to the provisions of the French act dated July 21, 1909, shall be exempt from the application of the French act relative to old-age insurance for workers.

(2) The members of the staff employed by the general administration of the Swiss Federal railroads who do not belong to any old-age pension fund, more especially those who are only temporarily employed by the said general administration, shall remain subject to the provisions of No. 1 of the above-mentioned French act concerning old-age insurance for workers.

(3) The present agreement shall be ratified, and the ratification documents exchanged, at the earliest possible moment. The agreement shall come into operation on the date on which the ratification documents are exchanged, and shall remain in force until one year after the date on which notice of termination of the agreement shall be given.

AGREEMENTS RESPECTING THE HIRING OF LABOR.

Convention Between the United Kingdom and France Concerning the New Hebrides, signed at London, October 20, 1906.

RECRUITMENT OF NATIVE LABORERS.

XXXI.—RECRUITING LICENSE.

1. No vessel shall recruit native laborers in the New Hebrides, including the Banks and Torres Islands, unless she sails under the flag of one of the two signatory powers, and unless she is provided with a recruiting license issued by the high commissioner representing the signatory power under whose flag the vessel is sailing, or by his delegate.

[1] See pp. 160, 161.

2. In the case of professional recruiters, the recruiting license shall only be issued on the deposit of £80, as security, with the agent appointed by the high commissioner, whose duty it will be to issue the recruiting license, or by his delegate.

3. The high commissioners shall inform one another every month of the recruiting licenses which they have issued. The same rule shall apply to their delegates.

4. The recruiting licenses shall be valid for one year only.

XXXII.—REGISTER OF ENGAGEMENTS.

All masters of recruiting vessels shall keep a register of engagements, in which there shall be entered without delay the name, sex, identification marks, the name of the tribe, place of recruiting, and place of destination of every native recruited, the name of the employer, the length of the engagement, the sum agreed on by way of premium and wages, and the amount of the advance to be paid to the native at the time of engagement.

XXXIII.—ENGAGEMENT OF WOMEN AND CHILDREN.

1. Women shall only be engaged—

If they are married, with the consent of their husbands.

If they are unmarried, with the consent of the head of the tribe.

2. Children shall only be engaged if they are of a certain minimum height, to be fixed by the resident commissioners jointly.

XXXIV.—LENGTH OF ENGAGEMENTS.

1. No engagements shall be concluded for more than three years.

2. They shall date from the day the laborer lands in the island where he is to be employed, but the time spent on board ship by the laborer shall count for wages.

XXXV.—DEATHS ON BOARD RECRUITING VESSELS.

1. A report in duplicate on every death occurring on board a recruiting vessel shall be drawn up immediately by the master. Such report shall describe the circumstances under which the death occurred.

2. Within 24 hours an inventory in duplicate shall also be drawn up of the effects left on board by the deceased. The amount of the wages to which the laborer is entitled from the day of engagement to the day of his death shall be stated in this inventory.

3. The master shall, on arrival, transmit to the competent authority a copy of the report and the inventory, as well as the objects and articles of value belonging to the deceased, and the premium and wages to which he was entitled.

The second copy of the report and the inventory shall be annexed to the register of engagements.

XXXVI.—SICKNESS OF LABORERS ON LANDING.

Every native recruited who, on landing, is found to be in such a state of health as to incapacitate him for the work for which he was engaged, shall be cared for at the expense of the recruiter, and the time spent in hospital and the time during which he is unable to work shall be included in the term of engagement.

XXXVII.—DELIVERY OF LABORERS TO THEIR EMPLOYERS.

A recruiter who is acting as an agent for other persons can not divest himself of his responsibility for the natives whom he has engaged until the signature of the employer has been affixed to the register of engagements opposite the name of the laborer.

XXXVIII.—SUBMISSION OF REGISTERS OF ENGAGEMENTS ON ARRIVAL.

1. Within 24 hours of their arrival, all masters of recruiting vessels shall be obliged to present their register of engagements for signature by the competent person.

2. If irregularities are detected in the operations of the recruiter or in the keeping of the register of engagements, an official report shall be immediately drawn up by the person to whom the register has been submitted. This report shall be sent without delay to the competent authority.

The same course shall be followed if the register is not produced within the prescribed period.

XXXIX.—NOTIFICATION OF ENGAGEMENTS.

1. Every engagement of a native laborer shall be notified by his employer within three days from the date of landing.

The notification shall be made to the resident commissioner, to whose jurisdiction the employer is subject, or to the person appointed for the purpose.

2. The notification shall be registered, and the contract shall be signed by the resident commissioner, or by the person appointed for the purpose.

3. The two resident commissioners shall communicate to each other every month a list of the notifications of engagements received by them, or by the persons appointed for the purpose.

XL.—REENGAGEMENT.

1. At the termination of the period of his engagement the laborer shall not enter into a fresh engagement—if he has not been previously sent home—without an authority in writing from the resident commissioner entitled to receive the notification of engagement, or from the person appointed for the purpose.

2. The authority shall only be given after the native has been examined in the presence of the employer, two nonnative witnesses, and two witnesses, selected as far as possible from the same tribe as the laborer, and if the latter, of his own free will, declares that he wishes to reengage.

3. No reengagement shall exceed the term of one year. It shall be renewable on the same conditions.

XLI.—RECORDS OF ENGAGEMENTS.

1. Every employer shall keep posted up to date a separate record for each laborer in his service.

2. There shall be entered in this record the name and sex of the laborer, the identification marks, the name of the tribe, the place and date of recruiting, the name of the recruiter, the name of the vessel, and the duration and conditions of his engagement, as stipulated in the contract.

The days of absence from work on account of illness shall be entered by the employer in the record, and also any other days of absence.

XLII.—ADDITIONAL PERIODS OF WORK.

1. Time lost through absence without good cause shall be added to the term of the engagement.

2. A laborer may further be retained after his term of engagement expires as a punishment for breaches of discipline to which he has been duly sentenced. In such case the additional period of labor shall not exceed two months for each year of engagement.

XLIII.—TRANSFER OF ENGAGEMENTS.

1. No transfer of a contract of engagement shall be permitted unless freely accepted by the laborer and authorized by the resident commissioner entitled to receive the notification of engagement, or by the person appointed for the purpose.

2. If the transfer is between British subjects or French citizens, the authority shall be jointly given by the two resident commissioners.

XLIV.—DUTIES OF EMPLOYERS.

1. Employers must treat their laborers with kindness. They shall refrain from all violence toward them.

2. They must supply them with sufficient food, according to the custom of the country, including rice at least once a day as part of their meals.

The resident commissioners shall fix jointly the amount of rice to be supplied to the laborers.

3. Employers must further provide their laborers with adequate shelter, the necessary clothing, and medical care in case of illness.

XLV.—WORKING HOURS.

1. Laborers shall not be obliged to work except between sunrise and sunset.

2. They shall have daily, at the time of their midday meal, at least one clear hour of rest.

3. Except for domestic duties and the care of animals, laborers shall not be obliged to work on Sundays.

XLVI.—PAYMENT OF WAGES.

1. Wages shall be paid exclusively in cash.

2. Payment shall be made either before a person appointed for the purpose by the resident commissioner entitled to receive the notification of engagement, or, failing this, in the presence of two nonnative witnesses, who shall certify the payment in the record above referred to by affixing their signatures by the side of that of the employer.

3. When it is obviously impossible for an employer to make use of this method of verification, he shall himself be authorized by the competent resident commissioner, or by the person appointed for the purpose, to enter the payment of the wages in the record.

4. Whenever the record does not show the rate of wages agreed upon at the time of the engagement, the rate shall be taken to be 10 shillings a month, and the employer shall not be allowed to produce evidence to show that a lower rate had been agreed upon.

XLVII.—DEPOSIT OF WAGES.

1. Part of the wages may be deposited by the employers with the resident commissioner entitled to receive the notification of engagement, or the person appointed for the purpose, to be paid subsequently to the laborer either during the term of engagement or at the expiration of such term, according as he desires.

The free consent of the laborer must be given before any part of his wages can be so dealt with.

2. The resident commissioner, or the person appointed for the purpose, may at any time order the retention and deposit of part of a laborer's salary.

XLVIII.—PUNISHMENT.

Any laborer who has given his employer just cause of complaint in respect of his conduct or work may, at the instance of his employer, be punished by the resident commissioner concerned, or the person appointed for the purpose, by the imposition of extra work, by a fine, by prolongation of the term of engagement, within the limits provided in Article XLII, or by a summary punishment not exceeding one month's imprisonment.

XLIX.—ABSENCE WITHOUT GOOD CAUSE.

1. Any laborer who without permission leaves his employer shall be liable in like manner to one of the summary punishments prescribed by the preceding article, and shall be sent back to his employer to finish his term of engagement.

2. No one shall receive or employ or take on board any vessel a laborer who has left his employer without permission.

L.—DEATH DURING ENGAGEMENT.

In the event of the death of a laborer, the employer shall be subject to the same obligations as those imposed by Article XXXV on masters of recruiting vessel.

LI.—REPATRIATION.

1. Every laborer who has completed his term of engagement shall be returned to his home at the first convenient opportunity by and at the expense of his employer.

2. Such laborer shall be taken back to the place where he was recruited or, if this is impossible, to the nearest place thereto from which the laborer can without danger rejoin his tribe.

3. In the case of unjustifiable delay exceeding one month in returning a laborer, the resident commissioner concerned, or the person appointed for the purpose, shall provide, at the expense of the employer, for the return of the laborer to his home at the earliest opportunity.

4. In case of persistent ill-treatment of a laborer, the resident commissioner concerned shall have the right, after two written warnings addressed to the employer, to cancel the contract and provide for the return home of the laborer at the employer's expense.

5. The resident commissioner concerned may in like manner cancel the contract and return a laborer to his home if the laborer did not freely consent to the engagement, or if he did not clearly understand and freely accept the terms of the engagement. In that case the expenses of returning him to his home shall be borne by the recruiter.

LII.—REGISTER OF REPATRIATION.

1. The names of laborers returned to their homes shall be entered on a register kept by the master of the vessel, in a similar form to that prescribed by Article XXXII, for keeping the register of engagements.

2. The signature of the employer upon the register shall prove that the laborer who is to be returned to his home has been handed over to the master of the vessel.

3. The master shall enter in the register the date when the native so to be returned to his home was put on shore, and shall mention the exact spot where he was landed.

4. The rules prescribed by Article XXXVIII with regard to the submission and signature of the register of engagements shall be applicable to the register of repatriation.

LIII.—DEATH DURING THE RETURN PASSAGE.

In the event of the death of a laborer occurring during the return passage, the master of the vessel shall proceed as prescribed by Article XXXV.

LIV.—POWERS OF CONTROL.

1. The high commissioners, the resident commissioners, and the persons appointed by them for the purpose, shall have, with regard to their respective nationals, the right to employ any method of inquiry which may be necessary to insure, as far as the recruiting and engagement of native laborers are concerned, the execution of the present convention.

Employers shall be bound, for this purpose, to produce any laborer at the request of the competent authority.

2. A report shall be drawn up with regard to any irregularity or breach of regulations which may be discovered, and shall be forwarded without delay to the competent authority. The report shall be prima facie evidence of the facts stated therein.

LV.—SHORT ENGAGEMENTS AND EMPLOYMENT OF NATIVE LABORERS WITHOUT ENGAGEMENT.

1. Nonnatives may employ natives without restriction, provided that they are not engaged for more than three months, with the option of renewal, and provided they are not removed to an island more than 10 miles from the island of their tribe.

2. They may, in any case, employ without restriction natives who are known to have served nonnatives for at least five years, and who are familiar with a European language or the vernacular in use between nonnatives and natives.

LVI.—PENALTIES.

1. Any infringement by nonnatives of the terms of the present convention regarding the recruiting and engagement of native laborers shall be punishable by a fine of from 4 shillings to £20, and by imprisonment of from one day to one month, or by either of the above penalties.

2. Damages may also be awarded to laborers for any injury suffered by them.

3. The joint court shall inflict the penalties and assess the damages.

4. In the event of conviction on a serious charge, or for a second offense, the recruiting license, as well as the right of engaging laborers, may be withdrawn for a period not exceeding two years by the high commissioner for the country to which the recruiter or employer belongs.

Convention Between the Transvaal and the Portuguese Province of Mozambique (Dated April 1, 1909).

PART I.—MATTERS CONCERNING NATIVES.

1. Under this convention the Government of the Province will permit recruiting within the territories under its direct administration of native laborers for the mining industries of the Transvaal: *Provided*, That such permission will not be effective within areas the natives of which are subject to obligations under local laws at present in force or under legal contracts now existing with the Government of the Province, if those obligations would be interfered with by any recruiting operations.

2. Except in so far as may be in conflict with this convention, recruiting operations shall be conducted in accordance with regulations at present in force in the Province; but the Government of the Province may alter the said regulations, subject, however, to agreement between the two Governments whenever such alteration affects recruiting operations.

3. The Government of the Province reserves the right to prohibit recruiting by, or allotment to, a Transvaal employer who, upon a joint investigation by representatives of each Government, may be found to have failed, in some substantial respect or persistently after warning, to comply with the obligations imposed by this convention or by any regulation in force in the Province not inconsistent with this convention. In the event of the representatives of both Governments not being able to agree, they shall appoint an umpire, whose findings shall be final.

4. Every license to recruit native laborers shall be granted by the Government of the Province.

Each application for a recruiting license shall be made through the intendant of emigration at Lourenço Marques, and no application shall be granted unless it be accompanied by a certificate from the Transvaal secretary for native affairs to the effect that the Transvaal Government supports the application, and that it is made on behalf of an employer or employers of labor connected with the mining interests of the Transvaal.

Every applicant shall at the same time produce a written undertaking on his own behalf and on behalf of his employers to fulfill all obligations under any regulations in force in the Province or contemplated by this convention.

The guaranty deposit and license which the recruiter has to pay shall not exceed those provided by the provincial regulations of November 18, 1897.

Recruiting licenses shall be issued in respect of any one district, and for this purpose the old district boundaries existing in 1907 may be followed, but a license issued in respect of one district shall on application be transferred to another without extra charge.

Recruiting licenses may at any time be canceled by the Government of the Province in accordance with the emigration regulations of the Province.

If at any time after the granting of a license the Transvaal Government raises any objection against the holder of such license, the Government of the Province agrees to withdraw the license.

5. Before leaving the Province, every laborer shall be supplied with a passport available for one year, for which a fee of 13 shillings shall be paid to the Government of the Province by the employer. No other fees shall be charged in connection with legally recruited natives except those specified in this convention.

6. No laborer shall be engaged in the first instance for a longer period than one year, but at the end of the first period he may be reengaged for a further period or periods, but so that such period or periods, together with the first

period, shall not, without the special permission of the Portuguese curator hereinafter referred to, exceed two years.

Any laborer who fails to return to the Province of Mozambique at the expiration of this period of service, including any period of reengagement, shall, unless he shall have obtained special permission from the curator, be considered a clandestine immigrant for all the purposes of this convention.

7. The Transvaal Government guarantees that natives will be given their discharge at the expiration of the period of contract, including any period of reengagement, and that no pressure shall be put on them to renew their contracts.

8. The Portuguese curator shall be entitled to receive a fee of 1 shilling and 6 pence for every three months or part thereof, in respect of every Portuguese native to whom this convention applies and who has been in the Transvaal for more than one year. Such fee shall be paid to the Portuguese curator by the employer.

9. A Portuguese official will undertake the duties of curator for Portuguese natives in the Transvaal.

The curator shall be the sole official charged with the functions of a consular officer with respect to such natives, and, in addition to the powers vested in him by the regulations now in force in the Province, the following powers and duties shall attach to him:

(*a*) To approach the Transvaal authorities with a view to arriving at an understanding in matters relating to Portuguese natives residing in the Transvaal;

(*b*) To collect all fees payable to the curator under this convention in respect of Portuguese natives in the Transvaal;

(*c*) To issue or refuse Portuguese passes to clandestine immigrants;

(*d*) To grant or refuse the extension of Portuguese passes to Portuguese natives;

(*e*) To promote by all means at his command the registration of Portuguese natives in the Transvaal;

(*f*) To organize a deposit and transfer agency for moneys belonging to Portuguese natives;

(*g*) To ascertain the allotment of laborers to the different mines for the purpose of recording their places of employment.

10. The railway charges for natives returning to the Portuguese frontier shall be equally favorable with the railway charges made for natives from the Portuguese frontier into the Transvaal.

11. The following customs provisions shall apply to goods and baggage of native laborers returning from the mining industries of the Transvaal, but the details of these provisions may be revised from time to time by mutual arrangement:

(*a*) Each native laborer will, subject to the terms of subsection (*b*) of this article, be permitted by the Portuguese customs to carry with him into the Province free of duty and from formal examination, up to 60 kilograms (equal to 132 pounds) gross weight of baggage.

(*b*) The Portuguese customs, however, reserve the right to examine occasionally and from time to time the baggage carried by the said natives, in order to satisfy themselves that no excessive quantities of goods for trading purposes are being imported under cover of the above privileges.

(*c*) In the event of any native, after examination, being found to carry goods whereon the duty leviable according to the Portuguese tariffs, is more than 2,250 reis (10 shillings), but does not exceed 2,750 reis (12 shillings) there

shall be collected from the native on such goods the difference between 1,687.5 reis (7 shillings and 6 pence) and the actual duty leviable.

(*d*) No native referred to in this article will be permitted to have in his possession merchandise upon which the Portuguese customs duties exceed 2,750 reis (12 shillings); the bearer of goods the duties whereon exceed that amount shall be liable to the penalties prescribed by the Portuguese customs law and regulations, other than the confiscation of such goods; but nothing in this subsection contained shall be deemed to prevent the confiscation of contraband goods, such as dynamite, powder, firearms, fuses, and the like, when introduced into the Province by any such native.

(*e*) It is understood that, for the purpose of the computation of duties only such goods as are at the present time ordinarily liable to duty shall be assessed; that is to say, only such goods as by reason of their quantity, nature, or condition, can not be considered as personal effects of the natives.

(*f*) In consideration of the above, the Transvaal Government will pay to the customs of the Province the sum of 7 shillings and 6 pence per head for each and every native laborer of the Province returning from the mining industries of the Transvaal.

12. Subject to the terms of this convention, every native of the Province in the Transvaal must be in possession of a Portuguese pass or passport issued by the authorities of the Province.

Any such native found within the Transvaal without such pass or passport shall be considered a clandestine immigrant and shall obtain from the Portuguese curator or his representative a pass, for which a fee of 20 shillings shall be paid.

13. No Portuguese native in possession of a Portuguese passport lawfully issued under this convention shall be liable to pay native tax under the laws of the Transvaal.

14. This convention shall not apply to a native who—

(*a*) Entered the Transvaal from the Province of Mozambique prior to the 11th day of October, 1899; and

(*b*) Has not, since that day, resided continuously in a labor district in the Transvaal.

15. No Transvaal pass shall be issued to a Portuguese native who fails to produce a Portuguese pass or passport lawfully issued, except in districts where the curator has no representative, in which case Transvaal pass officers may issue a pass, but shall send all details to the Portuguese curator in order that the native may be provided with a Portuguese pass, and the curator shall collect the amount due from the employer (if any) or from the native if he has no employer.

If, however, the curator refuses to issue a pass to such native, his Transvaal pass shall forthwith be canceled in accordance with the Transvaal pass regulations.

16. Except upon production of a written authority from the Portuguese curator no pass shall be issued by an official of the Transvaal Government—

(*a*) To clandestine immigrants who, being in possession of a Portuguese pass or passport, desire to be employed otherwise than in the mining industries;

(*b*) To natives who desire to work for an employer and who did not enter the Transvaal after executing a contract in accordance with law in the Province, or who desire to work with a new employer.

Whenever a Portuguese native is authorized to work for any person (not being the employer by whom he was originally engaged in accordance with law in the Province), or whenever a native is authorized to work for a new employer, the Portuguese curator shall receive from the employer or native a

registration fee of 10 shillings. When the engagement of native laborers is made by an agency which is authorized to recruit on behalf of several employers such laborers shall be regarded for the purposes of this article as having been originally engaged for any of such employers.

17. No pass shall be issued in the Transvaal to enable a Portuguese native to travel to any other colony or territory except the Province of Mozambique without the production of a written authority from the Portuguese curator.

18. The Transvaal Government shall assist the curator—

(*a*) By facilitating access by him or his representatives to compounds and to all other places where Portuguese natives are located;

(*b*) By facilitating the collection of fees payable to the curator under this convention in respect of Portuguese natives in the Transvaal;

(*c*) By refusing, so far as the Transvaal law allows, the issue or renewal of Transvaal passes to Portuguese natives who fail to produce a valid Portuguese passport;

(*d*) By causing all cases of deaths, accidents, and desertions of Portuguese natives to be reported to him;

(*e*) By issuing instructions to all pass officers to the effect that the number of the Portuguese passport must always be mentioned distinctly in the Transvaal pass for reference;

(*f*) By issuing instructions to pass officers to the effect that all Portuguese natives must report themselves at the curator's office before returning home. In districts where the curator is not represented passes of Portuguese natives desiring to return home shall be sent to him for indorsement;

(*g*) By promoting the return home of time-expired laborers via Ressano Garcia or any other place on the border which may be agreed upon by the two Governments.

19. The Transvaal Government shall, so far as the Transvaal law allows, assist the Portuguese curator in preventing the residence in the Transvaal of Portuguese natives without Portuguese passes or with Portuguese passes which are time-expired, and also in discouraging and preventing the entry into the Transvaal of clandestine immigrants.

20. All moneys received for administration by native affairs officials of the Transvaal Government in connection with the estates of deceased Portuguese natives shall be paid over to the curator whose acquittances shall be a sufficient discharge therefor. The curator shall also be notified of the particulars of compensation payable in respect of accidents, in order that such compensation may be paid to the beneficiaries through his office.

PART IV.—MISCELLANEOUS.

40. If, on the establishment of a union of the South African colonies, the Transvaal becomes a party to such union, the Government of the union shall take the place of the Transvaal Government for all purposes of this convention, but in such event the provisions of this convention shall only apply to the areas originally contemplated.

41. This convention shall continue for 10 years from the date hereof and shall thereupon cease if either Government has given 1 year's notice to the other of its intention to terminate it. If no such notice has been given, the convention shall continue from year to year until either Government shall have given 1 year's notice to the other of its intention to terminate it.

42. This convention shall be executed both in the Portuguese language and in the English language.

Convention Between Spain and the Republic of Liberia as to the Recruiting of Laborers in Said Republic to Work in the Colony of Fernando Po (May 22/June 12, 1914; ratifications exchanged May 22, 1915).

1. The Government of the Republic of Liberia, with the consent of H. C. M. the King of Spain, shall nominate a consul of the said Republic at Santa Isabel, Fernando Po.

2. The Government of the Republic of Liberia shall nominate in each port used for the embarkation of laborers an agent, to be called "labor agent," who shall be under the inspection of the customhouse authorities of the Republic.

3. The general administration of the Spanish possessions of the Gulf of Guinea shall nominate recruiting agents who shall be subject to the laws of Liberia, or a recruiting agency under the inspection and control of the Spanish consul at Monrovia shall be established in the ports used; the nominations of the said recruiting agents, and the organization of the agency when it is established, shall be submitted for the approval of the Liberian Government.

4. For so long as the said recruiting agents are not nominated by the Government of Fernando Po, or the recruiting agency is not established, the Government of the Republic of Liberia, on the request of that of Guinea, shall unofficially indicate four persons to exercise the functions of recruiting agents, without such indication involving the Government of the Republic in any responsibility; and the Government of Fernando Po shall nominate a commission of agriculturists approved by the Government of the Republic, who shall go to Monrovia, to come to an agreement with the said recruiting agents, with the object of organizing the immigration of Liberian laborers into the island of Fernando Po. This commission shall be duly authorized and shall present itself to the State secretariat.

5. The recruiting agents and, for its part, the recruiting agency when it is nominated, shall present in quadruplicate, to the labor agent of the port of embarkation, a summary (*relación*) of the contracts which have been made, which shall be viséed by the labor agent; one shall remain in the custody of the customhouse authorities for the receipt of the fees, another shall be sent to the Department of State of the Republic, another shall be sent to the Liberian consul at Santa Isabel de Fernando Po, and the fourth shall be sent to the Governor General of the Spanish possessions in the Gulf of Guinea.

These summaries shall state clearly the name and surname of the laborer, the Province, town, district, and tribe to which he belongs, and the name of its chief, the term for which the laborer is bound to serve in Fernando Po, and the date when the term expires.

These summaries shall be presented to the labor agent at least three days before the sailing of the steamer in which the laborers have to embark.

If, after the presentation of the abstracts to the labor agent, any difficulty shall arise because one of those bound to serve in Fernando Po does not wish to embark, or does not present himself at his proper time, the recruiting agent shall inform the labor agent thereof. The Liberian consul in Fernando Po shall inform the authorities of the port of embarkation or those of Monrovia, by the same steamer in which these laborers ought to embark, of the fact that they are not coming; in this case, the fees for embarkation and the cost of the seal of the passport of those who have not embarked shall be remitted to the agent or person who had wished to embark the laborers on the next embarkation of laborers.

The fees and the cost of the seal of the passport shall be paid in advance, on the embarkation of the laborers, and the amount of these shall be stated in the summaries.

6. In the laborers' indentures a maximum time of two years and a minimum of one shall be fixed; this time shall commence to run from the day on which the laborer shall have entered into his contract before the colonial curator (*curador*) in Fernando Po.

In each of the two cases the authorities of Fernando Po shall undertake that no laborer shall remain in the said island a longer time than he bound himself to serve in Fernando Po before his departure from Liberia.

7. The recruiting of laborers shall not be permitted to any person or company who is not authorized by the Government of Spanish Guinea and does not possess the sanction of the Government of Liberia for the importation of laborers into Fernando Po.

The names of the recruiting agents who from time to time are authorized by the Liberian Government to recruit laborers shall be notified to the Government of Fernando Po.

8. Laborers may not be recruited in Liberia to work on definite plantations in Fernando Po.

The laborers shall be sent direct to the Liberian consul at Santa Isabel, together with the summaries referred to in paragraph 5.

When the steamer which brings the laborers arrives at Santa Isabel, the Liberian consul and colonial curator shall go on board with some soldiers of the special guard of the curator's office (*curaduria*); the consul having delivered the laborers to the curator, the latter shall take them on shore and lodge and board them till the next day at the sole cost of the master who hires them.

Every laborer sent to Fernando Po shall be put at the disposition of the curator by the Liberian consul, so that he in turn may contract them out to persons or agriculturists who want them.

9. On the day following the arrival of the laborers and at an hour which has been agreed upon, the Liberian consul shall go to the curator's office and in his presence the contracts of the laborers shall be made, in which shall be set out the particulars prescribed for contracts in the colony (Official Bulletin No. 15 of Aug. 1, 1912).

Four summaries shall be made of these contracts if possible by the masters; one of these copies shall remain in the custody of the Liberian consul, another in the curator's office to be entered in his books, another shall be sent to the Secretary of State of the Republic of Liberia, and another to the labor agent of the port of embarkation of the laborers. These summaries shall be signed by the Liberian consul and the colonial curator.

10. The colonial curator shall not contract any laborer to persons who are not solvent, unless other solvent persons are sureties for them.

In this case the latter shall bind themselves in writing to guarantee good treatment, good food and good pay for the laborers, making themselves responsible for the default of those for whom they are sureties, and if, for any cause, the surety withdraws his guaranty, he shall at once inform the curator and the Liberian consul, the former of whom shall withdraw the laborer from the person whose guaranty has been withdrawn.

11. The colonial curator shall not contract out any laborer for a longer time than that for which he bound himself on leaving Liberia, and which is stated in the summary sent by the labor agent.

If any contract of a Liberian subject is made for a longer time than that for which he bound himself to serve in Fernando Po, the contract shall be deemed void; the laborer shall be withdrawn from his master, to be contracted out to another until the end of the time for which he bound himself to serve, and the authorities of Fernando Po shall proceed against the colonial curator.

12. All the contracts now in force and those which are confirmed up to the time when a Liberian consul in Fernando Po is nominated and this convention is ratified, shall be valid; the authorities of Fernando Po shall undertake that, while the Liberian consul is not nominated, no new contract of Liberian subjects shall be authorized which involves serving for more than two years in Fernando Po; as soon as the Liberian consul is nominated, the curator shall furnish him with a summary of all the contracts of Liberian subjects then in force and unexpired, stating the date of the contract, that of its termination, its number, the name of the master and the wages at which the laborer was contracted.

13. The Government of the Spanish possessions of the Gulf of Guinea guarantees the due payment of the laborers' wages, and the moiety of the said salary which he ought to receive at the termination of the contract shall be changed into pounds sterling and silver money of the United Kingdom by the curator's office, and delivered, with a list of the laborers who have been paid off, to the captain of the steamer which is to take them to Monrovia.

On arrival at the said port, the labor agent shall go on board; and the captain of the steamer, in his presence and in accordance with the summary which is produced, shall pay the workmen, who immediately thereupon shall be taken on shore by the labor agent, who shall certify in the summaries that the laborers specified there have been paid the amounts therein expressed.

These amounts shall be expressed in pesetas and pounds sterling, and at the foot of the summary shall be stated the rate of exchange at the place certified by the Liberian consul.

The other moiety of the wages shall be paid monthly to the laborer, under the inspection of the authorities and in accordance with the provisions in force in the colony (Official Bulletin No. 16 of August 15, 1913).

14. The Liberian consul shall be present at the settlement with the laborers who are Liberian subjects and shall certify at the foot of the summaries that those stated there have been paid off and at the current rate of exchange.

One of these summaries shall remain in the curator's office; another in the custody of the consul; another shall be sent to the Secretary of State of Liberia; the fourth to the labor recruiting agent; and the fifth shall be delivered, with the amount of the payment, to the captain of the steamer who has to take the laborers to Monrovia.

15. The Liberian consul may present himself at the curator's office as representative of the laborers who are Liberian subjects in order to make whatever complaint he thinks proper on account of his countrymen, and he may also report to the curator any bad treatment of which the Liberian subjects complain.

On the complaint being made to the curator, he shall begin a speedy investigation, and give notice in writing to the Liberian consul of its result; and if the consul does not approve of the said decision, he may present an appeal to the governor general against the decision come to by the curator.

16. In judicial proceedings in which Liberian subjects are involved, if the Liberian consul shall ask for an attested copy of the judgment, this shall be allowed by the examining magistrate.

17. The Liberian consul, with the previous authorization of the owners, or their representatives, may visit the plantation in Fernando Po to inform himself of the conditions under which the laborers who are Liberian subjects work, and he shall bring to the knowledge of the colonial curator any defect that he notes in things which affect his countrymen.

18. The Government of the Spanish colony guarantees the observance of the provisions in force relating to the treatment of the laborers, and those which may be issued hereafter for their benefit.

19. All laborers contracted by agents authorized by the Government of Guinea, who leave Liberia to go and work in Fernando Po, shall be taken to Santa Isabel in all cases only in Spanish mail steamers and not in any steamer under a foreign flag. Their passages shall be paid for at Fernando Po at the agency of the Transatlantic Company by the masters, when the laborers are contracted. All laborers on completing their contracts shall be repatriated by means of Spanish steamers only.

20. In order to facilitate the embarkation of laborers whose destination is Fernando Po, and to carry out the preceding article, the Government of H. C. M. the King of Spain shall make an arrangement with the Spanish Transatlantic Company that their steamers shall touch at the different ports in Liberia where the embarkation of laborers is permitted; for this purpose the Liberian Government shall as early as possible communicate the names of the said ports to the Government of H. C. M. the King of Spain.

21. In the event of the death of a laborer and on its notification in the Official Bulletin, the Liberian consul may reclaim in the curator's office the sums due to and effects of the deceased, which he shall remit to the Liberian State Department, to be delivered over to the deceased's family.

22. For every contract made before the curator, viséed by the consul the master shall pay the latter 2 shillings, and for the registration of each Liberian laborer on his being repatriated the master shall pay 4 shillings to the consulate.

23. This convention shall remain in force until one of the contracting parties denounces it by six months' previous notice.

Treaty and Protocol Between the United States and Japan. Commerce and Navigation. Signed at Washington, February 21, 1911; Ratification Advised by the Senate, with Amendment February 24, 1911; Ratified by the President March 2, 1911; Ratified by Japan March 31, 1911; Ratifications Exchanged at Tokyo, April 4, 1911; Proclaimed April 5, 1911.

In proceeding this day to the signature of the treaty of commerce and navigation between Japan and the United States the undersigned, Japanese ambassador in Washington, duly authorized by his Government, has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

APPENDIX II.—PROPOSALS FOR INTERNATIONAL ACTION AFFECTING LABOR.

THE INTERNATIONAL.

Principles of International Workingmen's Association.[1]

The emancipation of the working classes must be conquered by the working classes themselves.

The struggle for the emancipation of the working classes means not a struggle for class privileges and monopolies, but for equal rights and duties and the abolition of all class rule.

The economical subjection of the man of labor to the monopolizer of the means of labor, that is, the sources of life, lies at the bottom of servitude in all its forms, of all social misery, mental degradation, and political dependence.

The economical emancipation of the working classes is therefore the great end to which every political movement ought to be subordinate as a means.

All efforts aiming at that great end have hitherto failed from the want of solidarity between the manifold divisions of labor in each country and from the absence of a fraternal bond of union between the working classes of different countries. The emancipation of labor is neither a local, nor a national, but a social, problem embracing all countries in which modern society exists and depending for its solution on the concurrence, practical and theoretical, of the most advanced countries.

Resolutions of the International Prepared at The Hague[2] (1889).

1. It is expedient for labor organizations and socialist parties both of the Old World and the New to strive for international labor legislation and to support the Swiss Republic in the intergovernmental conference called at Bern for this purpose.

2. This international legislation, in order to protect the existence and liberty of labor, in order to reduce unemployment, and to make the crises of overproduction of rare occurrence, must, first of all, take up the following points:

A. Prohibition of child labor under 14 years of age, and the reduction of the workday to six hours for young persons between 14 and 18 years of age;

B. Limitation of the workday of adults to eight hours;

C. Compulsory weekly rest or prohibition to employers of the employment of labor more than six days in seven;

D. Prohibition of night work, except in certain cases to be determined in accordance with the necessities of modern mechanical production;

E. Prohibition of certain kinds of industry and of certain methods of manufacture prejudicial to the health of the workers;

F. Establishment of an international minimum wage equal for the workers of both sexes.

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[1] Extracts from its rules.

[2] L. Chatelain: La protection internationale ouvrière, pp. 21, 22. See ante, p. 32.

3. For the enforcement of the above provisions, there shall be appointed national and international inspectors chosen by the workers and paid by the State.

The election of the international inspectors shall be notified through diplomatic channels and within the space of a month to the different contracting powers.

These inspectors, to the number of ——— per country and appointed for ——— years, shall have authority to enter at all times every shop, mill, factory, yard, etc., to ascertain violations, make official report, and bring offenders to justice.

This control shall be extended to home manufacturing for the same reason of social hygiene for which the right of inspection has been given to the committees on unsanitary dwellings.

The Resolutions of the International Against War (1867–1910).

LAUSANNE, 1867.

The congress of the International Workingmen's Association assembled at Lausanne, considering:

The war principally affects the laboring classes, in that it not only deprives them of the means of existence, but forces them to shed the blood of the workers;

That armed neutrality paralyzes the productive forces, demands from labor only useless work, and intimidates production by placing it under the menace of war;

That peace, the primary condition of the general well-being, must be consolidated by a new order of things which will no longer recognize two classes in society, the one exploited by the other;

That the first and principal cause of war is pauperism and the lack of economic balance;

That in order to do away with war, it will not suffice to disband the armies, but also the social organization must be modified, by means of a more equitable division of production;

Decides to adhere fully and entirely to the Peace Congress which will assemble on September 9, at Geneva, if it accepts the declaration above stated, to uphold it vigorously and to participate in everything it may undertake in order to realize the abolition of standing armies and the maintenance of peace, with the object of arriving as quickly as possible at the emancipation of the laboring classes and their enfranchisement from the power and influence of capital, as well as of attaining the formation of a confederation of free States in the whole of Europe.

BRUSSELS, 1868.

The congress considering that justice should reign in the relations between natural groups, peoples, nations, as well as among citizens; that the primordial cause of war is the lack of economic balance; that war has ever been the reason of the strongest and not the sanction of the right;

That it is only a means of subordination of nations by the privileged classes or the government representing them;

That it strengthens despotism, kills liberty (as proved by the last wars of Italy and Germany);

That spreading mourning and ruin in families, and demoralization wherever the army concentrates, it maintains and also perpetuates ignorance and misery;

That the gold and the blood of nations have only served to uphold among them the savage instincts of man in a state of nature;

That in a society founded on labor and production force can only be put in the service of liberty and justice of everyone; that it can only be a guaranty and not an oppression, were it only for one member of the social body;

That in the present state of Europe, the Governments do not represent the legitimate interests of workers;

That if the permanent and principal cause of war is the lack of economic balance, and can therefore only be removed by social reform, it has none the less an auxiliary arbitrary cause resulting from the centralization of despotism;

That the people can even now diminish the number of wars by opposing those who make and declare war;

That it concerns above all the working classes, who are almost exclusively subject to military service and they alone can sanction war;

That to do this there is a practical and legal means which can be immediately acted upon;

That as the politic body could not go on for any length of time if production were stopped, it would suffice for the workingman to strike in order to render impossible the enterprises of personal and despotic governments;

The International Workingmen's Association congress, assembled at Brussels, protests most energetically against war.

It recommends to all the sections of the association in their respective countries as well as to all workingmen's societies, and to all labor groups to act with the greatest activity to prevent a war, which to-day could only be considered as a civil war because, waged between producers, it would be nothing more than a struggle between brothers and citizens.

The congress recommends above all to workers to cease work in case a war be declared in their country.

The congress counts upon the spirit of solidarity which animates the workingmen of all countries and entertains a hope that means would not be wanting in such an emergency to support the people against their Government.

LONDON, 1888.

Considering that the great armaments of the Governments of Europe are a permanent menace to the world's peace, and do great harm to the working class, the congress requests the democracies of the various countries to give instructions to their deputies to substitute the principle of arbitration for war in order to solve the differences between the Governments.

PARIS, 1889.

The International Socialist Labor Congress of Paris considering:

That the standing army or the armed force in the service of the ruling or possessing class, is the negation of all democratic or republican régime, the military expression of the monarchic or oligarchic and capitalist régime, an instrument of reactionary coups d'état and social oppression;

That, result and cause of the system of aggressive wars, constant danger of international conflicts, the standing army, and the offensive policy of which it is the organ, must give place to the defensive and pacific policy of democracy, to the organization of the whole nation drilled and armed, not for pillage and conquest, but to safeguard its independence and its liberty;

That the standing army, incessant cause of war, is, as history proves, incapable of defending a country against the superior forces of a coalition and its

defeat leaves the country disarmed, at the mercy of the conquerors, while a nation prepared, organized, armed, would be inaccessible to invasion;

That a standing army is the disorganization of all civil life, taking from every nation the flower of its youth in order to shut it up in barracks, demoralize it, at the period of apprenticeship, study, greater activity, and action;

That thus work, science, and art are sterilized, arrested in the flight; the citizen, the individual, the family are hurt in their very existence, in their development;

That, on the other hand, in a really national army, or armed nation, the citizen follows up the development of his aptitudes, his faculties in the national life, he executes his military duties as a necessary attribute of his capacity as a citizen;

Considering that the standing army, by the charges of the continuously accrued war debt, by the ever-increasing imposts and loans that it brings about, is a cause of misery and ruin:

Resolutely repudiates the bellicose proposals entertained by the Governments at their evil ends;

Declares that peace as a primary condition is indispensable to all labor emancipation;

And demands, with the abolition of standing armies, the general arming of the people on the following lines:

The national army or the armed nation formed of all available citizens, organized by districts in such a way that each town, each canton, has its own battalion composed of citizens who know each other, assembled, armed, equipped, and ready to march, if necessary, in 24 hours. Each one shall keep his own rifle and equipment, as in Switzerland, for the defense of public liberty and national security.

Moreover, the congress declares that war, fatal outcome of the present economic conditions, will only disappear entirely with the disappearance of the capitalist order, with the emancipation of labor, and the international triumph of socialism.

BRUSSELS, 1891.

The congress declares that militarism, which lies heavy on Europe, is the fatal result of the permanent state of open and latent war, imposed on society by the régime of the exploitation of man by man and the class struggle which is the consequence of this;

Declares that all attempts to obtain the abolition of militarism and the establishment of peace among the nations—however generous be their intentions—can only be utopian and powerless if they do not touch the economic sources of the evil;

That only the creation of a socialist order putting an end to the exploitation of man by man will put an end to militarism and assure permanent peace;

That, consequently, it is the duty of all those who wish to finish with war to join the International Socialist Party which is the true and only party of peace.

Therefore the congress in view of the situation in Europe, which daily becomes more threatening, and of the chauvinist inciting of the governing classes in the various countries, calls on all workers to protest by means of unceasing agitation against all desire for war and against the alliances which favor such, and to hasten, by the development of the international organization of the proletariat, the triumph of socialism;

Declares that it is the only means capable of averting a general war, the expenses of which all workers would have to bear;

And in any case, intends, in the presence of history and humanity, to throw all responsibility of whatever happens on to the ruling classes.

ZURICH, 1893.

The position of workingmen in case of war is defined in precise manner by the resolution of the Brussels Congress on militarism. The international revolutionary socialist democracy in every country must rise with all its force against the chauvinist appetites of the ruling classes; it must consolidate ever more closely the bands of solidarity between workers in every country; it must work unceasingly, to conquer capitalism which divides humanity into two great hostile camps and stirs up the people against each other.

With the disappearance of the domination of the classes, war will likewise disappear. The fall of capitalism means universal peace.

The representatives of the labor party in the deliberating meetings must repulse all military credits; they must protest unceasingly against standing armies and demand disarmament. The whole of the Socialist Party must lend its support to all associations whose object is universal peace.

LONDON, 1896.

Under capitalism the chief causes of war are not religious or national differences, but economic antagonisms, into which the exploiting classes of the various countries are driven by the system of production for profit.

Just as this system sacrifices unceasingly the life and health of the working class on the battlefield of labor, so it has no scruple in shedding their blood in search of profit by the opening up of new markets.

The working class of all countries should rise up against military oppression on the same ground that they revolt against all other forms of exploitation under which they are victimized by the possessing class.

To attain this object they must acquire political power so as to abolish the system of capitalist production and simultaneously refuse, in all countries, to Governments which are the instruments of the capitalist class, the means of maintaining the existing order of things.

Standing armies, whose maintenance even in times of peace exhausts the nation, and the cost of which is borne by the working class, increase the danger of war between nations, and at the same time favor the brutal oppression of the proletariat of the world. This is why the cry "Lay down your arms!" is no more listened to by the capitalist classes than the other appeals to humanitarian sentiments which are raised.

The working classes alone have the serious desire, and they alone possess the power, to realize universal peace.

They demand:

1. The simultaneous abolition of standing armies and the establishment of a national citizen force;

2. The establishment of an international tribunal of arbitration, whose decision shall be final;

3. The final decision on the question of war or peace to be vested directly in the people in cases where the Governments refuse to accept the decision of the tribunal of arbitration;

And they protest against the system of secret treaties.

The working class will only attain these objects by securing the control of legislation and by entering into an alliance with the international socialist movement, whereby peace may be finally assured, and the real fraternity of peoples permanently established.

PARIS, 1900.

The congress declares that it is necessary in every country to engage with renewed zeal, energy, and vigor in the daily struggle against militarism, and especially to oppose to the alliance of the bourgeoisie and the imperial Governments, the alliance of the proletariat of every country.

The congress points out as mode of procedure:

1. Various Socialist parties are engaged in carefully propagating the education and the organization of the young with a view to opposing militarism;

2. Socialist deputies in every country undertake to vote against all military expenses and all expense for the fleet and for colonial military expeditions;

3. The permanent international socialist commission will start and organize in all cases of international importance a movement of protest and of antimilitarist agitation, which shall be uniform and simultaneous in every country.

The congress protests against the so-called peace conferences like that of The Hague, which, in the present state of society, can only end in annoying disappointments, as has been shown lately by the war in the Transvaal.

STUTTGART, 1907.

The congress confirms the resolutions passed by the former international congresses against militarism and imperialism, and it again declares that the fight against militarism can not be separated from the socialist struggle of classes as a whole.

Wars between capitalistic States are as a rule the consequence of their competition in the world's market, for every State is eager not only to preserve its markets, but also to conquer new ones, principally by the subjugation of foreign nations and the confiscation of their lands. These wars are further engendered by the unceasing and ever increasing armaments of militarism, which is one of the principal instruments for maintaining the predominance of the bourgeois classes and for subjugating the working classes politically as well as economically.

The breaking out of wars is further favored by the national prejudices systematically cultivated in the interest of the reigning classes in order to turn off the masses of the proletariat from the duties of their class and of international solidarity.

Wars are therefore essential to capitalism; they will not cease until the capitalistic system has been done away with, or until the sacrifices in men and money required by the technical development of the military system and the revolt against the armaments have become so great as to compel the nations to give up this system.

Especially the working classes, from which the soldiers are chiefly recruited, and which have to bear the greater part of the financial burdens, are by nature opposed to war, because it is irreconcilable with their aim, the creation of a new economic system founded on a socialistic basis and realizing the solidarity of the nations.

The congress therefore considers it to be the duty of the working classes, and especially of their parliamentary representatives, to fight with all their might against the military and naval armaments, not to grant any money for such purposes, pointing out at the same time the class character of bourgeois society and the real motives for keeping up the antagonisms between nations, and further to imbue the young people of the working classes with the socialist spirit of universal brotherhood and with class consciousness.

The congress considers that the democratic organization of national defense, by replacing the standing army by the armed people, will prove an

effective means for making aggressive wars impossible, and for overcoming national antagonisms.

The International can not lay down rigid formulas for the action of the working classes against militarism, as this action must of necessity differ according to the time and the conditions of the various national parties. But it is its duty to intensify and to coordinate as much as possible the efforts of the working classes against militarism and against war.

In fact, since the Brussels Congress, the proletariat in its untiring fight against militarism, by refusing to grant the expenses for military and naval armaments, by democratizing the army, has had recourse with increasing vigor and success to the most varied methods of action in order to prevent the breaking out of wars, or to end them, or to make use of the agitation of the social body caused by a war for the emancipation of the working classes; as for instance, the understanding arrived at between the English and the French trade-unions after the Fashoda crisis, which served to assure peace and to re-establish friendly relations between England and France; the action of the Socialist parties in the German and French Parliaments during the Morocco crisis; the public demonstrations organized for the same purpose by the French and German Socialists; the common action of the Austrian and Italian Socialists who met at Trieste in order to ward off a conflict between the two States; further, the vigorous intervention of the socialist workers of Sweden in order to prevent an attack against Norway; and lastly, the heroic sacrifices and fights of the masses of socialist workers and peasants of Russia and Poland rising against the war provoked by the Government of the Czar, in order to put an end to it and to make use of the crisis for the emancipation of their country and of the working classes. All these efforts show the growing power of the proletariat and its increasing desire to maintain peace by its energetic intervention.

The action of the working classes will be the more successful the more the mind of the people has been prepared by an unceasing propaganda, and the more the labor parties of the different countries have been stimulated and drawn together by the International.

The congress further expresses its conviction that under the pressure exerted by the proletariat the practice of honest arbitration in all disputes will take the place of the futile attempts of the bourgeois Governments, and that in this way the people will be assured the benefit of universal disarmament which will allow the enormous resources of energy and money wasted by armaments and by wars to be applied to the progress of civilization.

In case of war being imminent, the working classes and their parliamentary representatives in the countries concerned shall be bound, with the assistance of the International Socialist Bureau, to do all they can to prevent the breaking out of the war, using for this purpose the means which appear to them the most efficacious, and which must naturally vary according to the acuteness of the struggle of classes, and to the general political conditions.

In case war should break out notwithstanding, they shall be bound to intervene for its being brought to a speedy end, and to employ all their forces for utilizing the economical and political crisis created by the war, in order to rouse the masses of the people and to hasten the downfall of the predominance of the capitalist class.

COPENHAGEN, 1910.

The congress declares that the armaments of the nations have alarmingly increased during recent years in spite of the peace congresses and the protestations of peaceful intention on the part of the Governments. Particularly

does this apply to the general movement of the Governments to increase the naval armament, whose latest phase is the construction of "dreadnaughts." This policy leads not only to an insane waste of national resources for unproductive purposes and therefore to the curtailment of means for the realization of necessary social reforms in the interest of the working class, but it also threatens all nations with financial ruin and exhaustion through the insupportable burdens of indirect taxation.

These armaments have but recently endangered the peace of the world, as they always will. In view of this development which threatens all achievements of civilization, the well-being of nations, and the very life of the masses, this congress reaffirms the resolutions of the former international congresses and particularly that of the Stuttgart Congress.

The workers of all countries have no quarrel or difference which could lead to war. Modern wars are the result of capitalism, and particularly of rivalries of the capitalist classes of the different countries for the world market, and of the spirit of militarism, which is one of the main instruments of capitalist class rule and of the economic and political subjugation of the working class. Wars will cease completely only with the disappearance of the capitalistic mode of production. The working class which bears the main burdens of war and suffers most from its effects, has the greatest interest in the prevention of wars. The organized socialist workers of all countries are therefore the only reliable guaranty of universal peace. The congress therefore again calls upon the labor organizations of all countries to continue a vigorous propaganda of enlightenment as to the causes of war among all workers and particularly among the young people in order to educate them in the spirit of international brotherhood.

The congress, reiterating the oft-repeated duty of socialist representatives in the parliaments to combat militarism with all means at their command and to refuse the means for armaments, requires from its representatives:

(*a*) The constant reiteration of the demand that international arbitration be made compulsory in all international disputes.

(*b*) Persistent and repeated proposals in the direction of ultimate complete disarmament, and above all, as a first step, the conclusion of a general treaty limiting naval armaments and abrogating the right of privateering.

(*c*) The demand for the abolition of secret diplomacy and the publication of all existing and future agreements between the Governments.

(*d*) The guaranty of the independence of all nations and their protection from military attacks and violent suppression.

The International Socialist Bureau will support all socialist organizations in their fight against militarism by furnishing them with the necessary data and information and will, when the occasion arrives, endeavor to bring about united action. In case of warlike complications, this congress reaffirms the resolution of the Stuttgart Congress, which reads:

> In case of war being imminent, the working classes and their parliamentary representatives in the countries concerned shall be bound, with the assistance of the International Socialist Bureau, to do all they can to prevent the breaking out of the war, using for this purpose the means which appear to them the most efficacious, and which must naturally vary according to the acuteness of the struggle of classes, and to the general political conditions.
>
> In case war should break out notwithstanding, they shall be bound to intervene for its being brought to a speedy end, and to employ all their forces for utilizing the economic and political crisis created by the war, in order to rouse the masses of the people and to hasten the downbreak of the predominance of the capitalist class.

For the proper execution of these measures the congress directs the bureau, in the event of a war menace, to take immediate steps to bring about an agreement among the labor parties of the countries affected for united action to prevent the threatened war.

In all cases of threatened conflict between two or more countries, if there happened to be any hesitation or delay of decision on the side of their consulted national parties, the secretary of the International Socialist Bureau at the request of at least one working class concerned shall urgently convoke the International Socialist Bureau and the Interparliamentary Commission who shall immediately meet either in Brussels or in any place which would appear most convenient according to circumstances.

TRADE-UNION CONGRESSES.

Resolutions of the International Congress at Zurich, 1897.[1]

Sunday Rest.

The following resolutions as respects Sunday work were unanimously adopted by the countries represented, with the exception of Great Britain. The Congress for Labor Protection at Zurich demands:

1. The prohibition of Sunday work for all classes of workers and employees; it demands, also, effective punitive measures for violation of this prohibition.

2. Exceptions may not be authorized except in the case of work which is indispensable to assure the continuation of work the technical nature of which does not permit of interruption, as well as work the continuation of which is necessary in order that the workers may use Sunday for the improvement of their knowledge and for recreation. In no case, however, may the Sunday rest be interrupted on the pretext that it may mean a decrease of production.

3. The granting of exceptions to the prohibition of Sunday work may not be left to the discretionary powers of officials and employees, and may not be left to indefinite interpretation, but must be fixed in the text of the law itself.

4. Workers and employees who by reason of the exceptions allowed shall be authorized to work on Sundays have the right to claim one Sunday in two as a rest day and one day of rest during the week.

5. The Sunday rest or the rest period accorded during another day of the week shall include an uninterrupted rest period of at least 36 hours.

Employment of Children and Young Persons.

The congress by a large majority accepted the following resolutions respecting the employment of children and young persons.

1. All employment for hire of children is prohibited for those under 15 years of age. Up to the age of 15, all children are required to attend school.

2. Young persons and apprentices 15 to 18 years of age may not be employed more than eight hours per day. A rest period of at least half an hour shall be interposed after each four hours of consecutive work.

3. The time necessary to attend continuation schools as well as general trade schools shall be comprised within the hours of labor.

4. On Sundays and holidays all work for hire is prohibited to young persons and apprentices.

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[1] Internationaler Kongress für Arbeiterschutz in Zürich, 1897. Amtlicher Bericht des Organisationskomitees, Zürich, 1898, pp. 141–146; La Revue Socialiste, Paris, 1897, vol. 26, pp. 444–460. See ante, p. 68.

Employment of Women.

1. The International Congress for the Protection of Labor, held at Zurich, demands effective legislation applicable to all women workers and all women employees in large and small scale industries—handicraft, commerce, transportation, postal telegraph and telegraph systems, and domestic industries.

2. As a basis for this protective legislation, the congress demands a maximum workday of eight hours and a maximum week of 44 hours for women workers and employees.

Work shall cease at noon on Saturday in such manner that an uninterrupted rest of at least 42 hours shall be assured to them until Monday morning.

3. It shall be absolutely prohibited to employers to give to workers and employees work to take home, once the day's work has ceased.

4. During the period of confinement there shall be granted a period of eight weeks altogether during which women may not be admitted to work in factories. They may not be rehired in the factories until they have been out at least six weeks from the time of confinement.

Provisions of law shall determine the branches of work in which pregnant women may not be employed.

During this interruption of work the women shall receive from the State or from the municipality an amount of compensation which shall in no case be less than the ordinary wage.

5. The congress demands, for all women in agriculture and all agricultural laborers and domestic servants, the abolition of all laws and rules which create an exceptional status for such workers as compared with other wage earners, (laws and rules concerning domestic servants, prohibiting the right of combination, organization and association). The laws and special rules of protection shall be drafted in conformity with the spirit of the demands enumerated above.

6. The congress sees in domestic industry a type of work which exercises an evil influence both socially and hygienically and which at the same time is a great obstacle to labor organization and the creation of an effective system of labor legislation.

The congress, therefore, refers this for more thorough discussion to a subsequent congress.

7. The congress demands that for equal work women shall receive an equal wage, and therefore invites its members immediately to call npon the public authorities to put this principle into force whenever occasion shall present itself.

Employment of Adult Males.

1. The International Congress for the Protection of Labor declares as absolutely necessary the introduction of a legal maximum working-day for all workmen and employees in industries, commerce and transportation, large scale agriculture, as well as on State and municipal work.

In agriculture exceptions may be allowed at the time of the harvest.

2. Having regard to the actual technical situation and the experiences had in several countries and in a number of occupations in reducing the day to nine or as low as eight hours the congress demands of Governments and legislatures that they work for the introduction of the eight-hour day.

3. Wherever the change to this day does not seem possible at the moment, there shall be ordered in its stead a maximum working day approaching as near as possible to eight hours, so as to facilitate the transition to accord with

the progress of technical development, as far as possible, and where the circumstances permit, legislation shall establish the same maximum hours of labor for all industries.

Night Work.

1. Night work, that is to say, work comprised within the hours of 8 p. m. and 6 a. m. is alike prohibited to workers of every age and to both sexes.

Exceptions may not be permitted except in the case of adult males and in cases in which technical conditions require continuous operation. The same is true in establishments in which the particular operation can only be completed by night work. The workers may be compelled only to do the same amount of work as by day.

Industries in which night work may be authorized for the reasons stated above shall be explicitly enumerated in the law.

2. Additional work shall not be authorized either in the case of children, young persons of both sexes below 18 years of age, or for women. Wherever such supplementary work is authorized as exceptional in the case of men, it shall not be continued for a longer number of hours than the law designates as the hours of night work.

The exceptional and temporary extension of the hours of labor may only be permitted in case the work of the establishment has been interrupted by unforeseen circumstances (force majeure, accidents), and provided that this interruption is of a nature to cause the employer or the workers a serious and material injury.

An authorization to work additional hours shall not be granted by reason of a desire to increase output.

3. In those branches of industry which by their nature require continuous operation there shall be formed three shifts each of eight hours with changes in the shifts at fixed periods.

In order that the workers may be able to enjoy a Sunday rest of 24 hours, there shall be organized on Sunday a special shift to relieve the others.

Work in Establishments Injurious to Health.

1. Establishments dangerous to health shall in each country be specified in a schedule prepared as a special order.

2. Authorization to conduct an establishment in an industry dangerous to health shall only be permitted after all possible measures required by law and order shall have been taken to abolish or diminish the dangers as far as possible. It shall be required, in general, that the technical arrangement and manner of production shall be carried out in such way, as far as the development of science permits, that the injurious substance may not enter the respiratory organs of the workers.

3. Children and young persons under 18 years of age and women shall not be employed in occupations dangerous to health, nor underground in mines, i. e., (surface work, underground work.)

This prohibition is absolute.

4. In establishments dangerous to health the length of the working-day shall be less than the legal duration of the normal workday. The reduction shall be proportional to the degree of danger in the establishment. The workday in such industries shall not in any case exceed eight hours.

5. In industries dangerous to health the worker shall be subject to official periodical medical inspection.

6. Employers are absolutely responsible for every threat to health and life of employees working in establishments dangerous to health.

7. In industries presenting inevitable dangers to health and where technical development furnishes no means for avoiding such dangers, the use of injurious substances shall be absolutely prohibited.

Decisions of International Trade-Union Conferences[1] (in force in 1911).

INTERNATIONAL RELATIONS.

Recognizing that a closer bond of unity should exist between the national trade-union organizations of the various countries and that such unity can best be fostered by an intimate knowledge of the progress of the movement in the various countries, the organizations represented at this conference agree to forward a yearly report on the movement in their respective countries to the secretary, the secretary to have these reports printed, forwarding two copies of the reports to every federation. (Dublin, 1903.)

The International Conference of the National Secretaries of Trade-Union Centers designates an "international secretary of the national centers of trade-unions" whose duty it shall be to keep in constant touch with all national centers, to prepare the yearly report of the national secretaries and to forward this report in the official languages (English, French, German) to the various national centers. (Dublin, 1903.)

The international report of the trade-union movement shall be published not later than at the end of the year following the year under review, whether the national organizations affiliated to the International Secretariat of National Trade-Union Centers have forwarded their reports in time or not. (Budapest, 1911.)

Resolved, That it be a recommendation to all national centers, to prepare their strike statistics on uniform lines and to induce the authorities in such countries, where these statistics are prepared by the authorities, to do the same. (Paris, 1909.)

Only one national center of trade-unions will be recognized for each country and only representatives of this national center will be admitted to the international conferences. (Stuttgart, 1902.)

Resolved, That the International Secretariat when receiving any document from any source other than an affiliated national center, in which the integrity or character of a particular national center is assailed, that a copy of the document shall be forwarded to the official representative of the national center interested. In the event of an answer being made by the proper authorities of the national center and received by the International Secretariat, the latter officer shall retain the same. If the proper authorities of the national center interested enter valid objection to the dissemination of the original document, it shall be held by the International Secretariat and reported to the next conference of the International Secretariat which may order both documents sent

[1] Eighth report of the trade-union movement, 1910. Published by the international secretary of the National Trade-Union Centers. Berlin, 1911. pp. 44–48.

to the various affiliated national union centers with such opinion or judgment as the conference of the International Secretariat may determine. (Budapest, 1911.)

The fifth international conference is of opinion that for general reasons of solidarity as well as for reasons of prudence in view of the rapid growth of the employers' combinations, the separate trade-unions should affiliate to their respective federations in their own country and that, for the very same reasons, those federations should affiliate with their respective national trade-union center.

This first and principal duty being carried out, and only then, this conference advises the separate federations of every country to federate with their respective federations of all other countries, thereby securing a greater and much better support of important labor struggles than could be given by their national center alone. At the same time this will also help to further international brotherhood and solidarity among the workers. (Christiania, 1907.)

The unity of the labor movement becomes more and more necessary in view of the ever and rapidly centralizing employers' movement. The representatives of the trade-unions, whose mission it is to defend and safeguard the interests of the proletariat, fervently desire that the present state of affairs, viz, the disunion of the labor forces, be removed.

For the purpose of achieving its final ends, the trade-union movement should include, on the economical field of the class war, wage earners of all shades. The representative of the French C. G. T. therefore invites the delegates of the proletariat of all countries, assembled at the seventh international conference, to pledge themselves that they will do all in their power while leaving all questions of personalities aside, in order to bring about the unity of the labor movement in their respective countries. (Budapest, 1911.)

This international conference at Budapest, renewing the decision of the Christiania conference in 1907 that all trade-unions should join their respective national center, invites the international trade federations and secretariats to admit only those unions who are members of their own national center of trade-unions, and further to bring pressure to bear upon the non-affiliated unions in order to induce them to join the national center of their country. (Budapest, 1911.)

This conference is of the opinion that members of trade-unions affiliated to their respective national center must be admitted to the trade-unions of their calling in other countries if they produce their members' books and notice of departure from their old organization.

If no other agreements between the respective federations are in existence, then the following conditions will be in force in such cases:

(*a*) The entrance fee paid into the first organization will be taken into account. In case the entrance fee should be higher in the new organization that difference can be charged.

(*b*) The transferred member will obtain the same rights and privileges as the old members of that particular union enjoy according to the amount of

subscriptions he has paid until then in his old union; the time of membership booked in the new organization, however, cannot surpass [exceed] the time he [it] has been organized, even if the subscriptions paid hitherto were higher.

The delegates present at the conference promise to submit those conditions of transfer to the next meeting of their respective organizations and there support the same. (Christiania, 1907.)

Resolved, That the Budapest International Conference recommends to the trade-union centers of all countries the discussion of the proposition of establishing an international federation of labor, the autonomy of the trade-union movement of each country being ordained and guaranteed, the purpose of the federation being the protection and advancement of the rights, interests, and justice of the wage-workers of all countries and the establishment of international fraternity and solidarity. (Budapest, 1911.)

International Conferences.

The secretaries of the national centers affiliated to the International Secretariat, i. e., the delegates nominated by the national trade-union centers or elected by the affiliated trade-unions will meet together every two years for a conference.

It is the object of such conferences to consider the closer union of the trade-unions of all countries, uniform trade-union statistics, mutual help in economic struggles, and all questions in direct connection with the trade-union organization of the workers.

All theoretical questions and those which affect the tendency or tactics of the trade-union movement in the separate countries will not be discussed. (Paris, 1909.)

International Assistance in Case of Need.

(*a*) The International Secretariat shall only then take part in any appeal for monetary help, if at the same time, several trade or industrial federations of a country are engaged in industrial disputes, and if the necessary funds can neither be raised in this country alone nor by the international trade federations to which the unions engaged in the struggle are affiliated. Under exceptional circumstances the International Secretariat shall be authorized to issue an appeal for help, if the number of workers of a certain trade engaged in industrial disputes is so great that the financial means at their disposal, derived from their own country or from the International Secretariat, are not adequate.

(*b*) An international appeal shall only be issued by the secretariat, if the following conditions have been complied with:

1. The national center to which the federation in want of help is affiliated, should forward a formal demand with full explanations, to the International Secretariat. This demand must contain a brief report on the cause and development of the dispute and a review on the numerical and financial strength of the unions in want of assistance.

2. These organizations must be affiliated to some national center represented at the International Secretariat, if this should not be impossible on account of the political situation in that particular country.

3. International assistance shall only be continued in the case of those organizations who regularly provide the International Secretariat with information as to the development of the movement, and if they, at the same time,

undertake to publish a financial report on the movement, after the dispute has been settled.

(*c*) The International Secretariat shall issue an appeal for help if the conditions in paragraph (*b*) have been complied with. The letter of appeal addressed to the national centers should contain a brief statement as to the reasons for the appeal, the advice of the International Secretariat, and, further, as far as this may be possible, suggestions as to the manner in which best to conform with the desire of the applicants.

(*d*) It shall be incumbent upon the International Secretariat to keep those centers who favorably reply to the appeal constantly or from time to time informed as to the actual situation of the movement, and to see that in every case a financial report on the cost of the movement be submitted, as soon as possible, to those national centers.

(*e*) All funds to be forwarded to the International Secretariat, which at the end of the movement issues a financial statement showing the income and expenditure for this dispute. (Budapest, 1911.)

Immigration of Foreign Workers.

Resolved, That it shall be the purpose of the labor movement of all countries to endeavor to the fullest extent to prevent the workers from one country being induced to emigrate to other countries during periods of industrial depression or when trade disputes exist or are in contemplation: that it shall be the duty of the recognized representatives of the labor movement of the country affected to notify the international secretary, who in turn shall at once communicate the situation to the representatives of the trade-union movement of each country. (Budapest, 1911.)

Importation of Blacklegs.

This conference strongly condemns such workers and these groups of workers that are taking the places of other workers in disputes in other countries. Because the employers now avail themselves of such workers in foreign countries, this conference urges upon the various national trade-union centers to pay special attention to this question. The national center of such country where scabs are engaged should make an effort to make the names of such scabs known all over the country; they should be looked upon and treated the same as the scabs working at home.

This conference furthermore recommends that the social democratic parties of all countries should be urged upon to propose proper legislation that will make the importation of scabs impossible. (Christiania, 1907.)

This congress condemns the action of those workers who have engaged themselves to cosmopolitan syndicates for the purpose of interfering in foreign labor disputes, because such action militates against the best interest of the workers themselves, and helps to destroy the growing spirit of mutual solidarity. It deprecates also the action of those men who being engaged as seamen undertake the work of dockers during labor disputes.

It also welcomes the attempts of the British Labor Party to secure the application of the principles of the foreign enlistment act to such as organize blackleg expeditions to other States. (Paris, 1909.)

ABOLITION OF NIGHT WORK.

This conference invites the representatives of the working classes in all parliaments to do all in their power in order to get bills passed prohibiting night work in all industries where it is not absolutely necessary. (Budapest, 1911.)

HOME WORK.

The regulation of home work by law shall be taken into consideration, just as has been the case with factory work. (Paris, 1909.)

INTERNATIONAL ASSOCIATION FOR LABOR LEGISLATION.

Constitution of the International Association for Labor Legislation, Adopted at Paris, 1900.[1]

ARTICLE 1. There is hereby organized an International Association for Labor Legislation. The seat of the association is in Switzerland.

ART. 2. This association has for its object:

1. The bringing together of those who in the different industrial countries consider protective legislation of working people as necessary.

2. The organization of an International Labor Office which will have for its mission the publication, in French, German, and English, of a periodical collection of the labor legislation in all countries, or to lend its cooperation to such a publication.

This collection will comprise:

(*a*) The text or a résumé of all laws, regulations, and decrees in force relating to the protection of the working people in general, particularly woman and child labor, the limitation of the hours of labor of male workers and adults, Sunday rest, periodical repose, dangerous industries;

(*b*) A historical summary of these laws and regulations;

(*c*) A résumé of official reports and documents concerning the interpretation and execution of these laws and decrees.

3. To facilitate the study of labor legislation in the various countries, and especially to furnish to members of the association information regarding the legislation in force and its application in the several States.

4. To further, by the preparation of memoirs and otherwise, the study of the question of the concordance of the various protective labor laws, as well as that of international statistics of labor.

5. To convoke the international congresses on labor legislation.

ART. 3. The association is composed of all persons and societies (other than the national sections) who adhere to the object of the association, as indicated in articles 1 and 2, and who remit to the treasurer an annual contribution of 10 francs ($1.93).

ART. 4. Any member who by the end of one year has neglected or refused to pay his dues will be considered as having resigned.

ART. 5. The members have a right to the publications to be issued by the association.

They also have the right to receive gratuitously from the bureau the results of inquiries that may have been instituted, and conformably to special regulations, such information as may come within the competence of this bureau.

ART. 6. The association is under the direction of a committee composed of members belonging to the various States admitted to representation thereon.

[1] Bulletin No. 54 of the United States Bureau of Labor, Sept., 1904, Washington, D. C., pp. 1081, 1082. See ante, pp. 89–91.

ART. 7. Each State will be represented on the committee by six members, as soon as 50 of its citizens will have joined the association.

After that, each new group of 50 members will be entitled to one additional seat, the total number of members of the committee from any State not to exceed 10.

The Governments will be invited to designate one delegate each, who will have the same rights in the committee as the other members.

ART. 8. The duration of the terms of members of the committee is not limited, and the committee is recruited by cooptation.

The election of new members of the committee to replace those who have died or resigned will take place upon the nomination of the members belonging, respectively, to the States having a right to the representation.

The vote is by secret ballot, at a meeting of the committee, the notice of which will contain an indication of the candidates presented. The members who do not attend this meeting may send their votes to the president in a sealed envelope.

ART. 9. The committee is competent to pass any resolutions needed for the accomplishment of the object of the association. It shall meet in a general assembly at least once every two years. It may be convoked by the bureau, whenever the latter judges it necessary or when at least 15 members of the committee request it.

The choice of the meeting place will be made by the consultation in writing of all the members of the committee, by the secretary general, within a time fixed by the bureau.

ART. 10. The committee elects from among its members a bureau composed of a president, a vice president, and a secretary general. The committee also appoints the treasurer of the association.

ART. 11. The mission of the bureau is to take the steps necessary for the execution of the resolutions of the committee. It manages the funds of the association. It makes each year a report to the committee of the administration of its affairs. It appoints the clerks and other persons necessary for the work of the association. It places itself in communication, in all industrial States, with specialists and other competent persons disposed to furnish information regarding the labor laws and their application. These persons receive the title of correspondents of the association.

ART. 12. The secretary general has charge of the correspondence of the association, of the committee, and of the bureau, as well as of the publications and of the information service.

ART. 13. The treasurer receives the dues and has charge of the funds. He makes no payments without the visé of the president.

ART. 14. A national section of the association may be formed in a country, on condition that it has at least 50 members and pays into the treasury of the association an annual contribution of at least 1,000 francs ($193). The statutes of such a section must be approved by the committee.

Such a section has the right to provide for the vacancies which occur on the committee from among the representatives of its country.

The members of a national section have the same rights as those of the association, with the reservation that the publications to be furnished them by the association, as well as the representation on the committee, will be proportionate to its annual contributions.

ART. 15. The present statutes can not be revised, either wholly or in part, except at a meeting of the committee, and then only by a two-thirds majority of the members present, and when the proposition of revision has been inserted in the notice of meeting.

Resolutions of the First Delegates' Meeting [1] (Basel, Sept. 27–28, 1901).

A.

I. *a*. The by-laws of all the sections have been approved and the sections recognized by the association.

b. Note has been made of the constitution of the Italian section which conforms to the by-laws of the International Association.

II. The Bureau of the International Association has the authority to investigate the manner in which articles 7 and 14 of the statutes of the association could be revised.

III. The Bureau of the International Association has the authority to take up with the committee the question of determining the treatment to be accorded a proposition of Mr. Carroll D. Wright requesting that each labor bureau of the United States be represented by a delegate with consultative authority on the international committee.

B.

I. The president has been asked to express in the form that seems to him appropriate, to the Governments of the Swiss Confederation, the French Republic, the Kingdoms of Italy and Holland, and the Canton of Basel the thanks of the association; by granting subventions, by delegating official representatives, by providing offices, these Governments have aided very notably in the creation of the International Labor Office. The constituent assembly desires also to extend its thanks to all persons who have aided in its work, as well as to the press which has been favorable to it.

II. The assembly deems the report of Prof. Bauer, director of the International Office, upon the purpose of that office, very interesting as an expression of his personal opinions. It congratulates Mr. Bauer, but it calls attention expressly to the fact that, according to the by-laws of the association, the activities of the International Labor Office should be confined to investigations of a purely scientific order. This being granted, the assembly proposes to determine accordingly the nature of the more immediate activities of the International Office, activities that must be undertaken gradually to the extent that the resources of the office will permit.

A. Negotiations with Belgium for the publication and distribution of the L'Annuaire de legislation du travail.

B. Publication of a bulletin containing:

1. In one of the first numbers the titles and purposes of protective labor laws in each country, indicating the sources where the complete text can be found.

2. A report of parliamentary action relating to protective labor legislation in the different countries.

3. The resolutions of congresses, and especially of congresses of national and international associations interested in the protection of labor.

4. As far as available, the texts and analyses of new laws and regulations promulgated for the protection of labor.

5. A bibliography of official publications and of private publications of a documentary nature, relating to the legal protection of labor and to labor statistics, indicating the title, contents, size, price, and publisher.

C. Investigations as to the actual condition and effect of night work of women in the different countries, as well as the results obtained in the indus-

[1] Publications of the International Association for Labor Legislation, No. 1, pp. 131, 133. See ante, pp. 91, 92.

tries where night work has been abolished. The report shall show the differences existing in the definition of night hours in the different countries and the consequences which ensue.

D. Establishment of a uniform form for industrial accident statistics in the different countries.

E. Investigations as to the degree of unhealthfulness and the actual legislation pertaining to unhealthful industries, and especially as to (1) those which manufacture or use lead colors; (2) those which manufacture or use white phosphorus.

F. Comparative investigations of the legislation of different countries concerning accident insurance and sickness insurance and civil responsibility with reference to persons who work in a country other than their domicile.

III. In general, information concerning the protection of labor shall be furnished gratuitously to Governments; it shall be given gratuitously to private individuals only when the latter shall belong to one of the national sections or to the International Association.

IV. The assembly recommends that the sections encourage and facilitate in every way relations between the Labor Office and workingmen's and employers' associations. To this end, the most effective means will be to furnish the Labor Office the addresses of these associations. The sections can also address circulars to them inviting them to send their printed documents to the International Office.

V. The assembly also proposes that the investigations indicated under headings C, D, E, and, if possible, F serve as the basis for the deliberations and conclusions of the next meeting of the International Association, which will take place at Cologne in September, 1902.

Resolutions of the Second Delegates' Meeting[1] (Cologne, Sept. 23, 24, 1902).

I. The condition of legislation on the night work of women in the majority of the large industrial States, and, as proved by the reports published by the sections, the influence of that legislation on the state of industry in general and on that of different enterprises and laborers in particular, justify the absolute prohibition in principle of the night work of women. The international committee instructs a commission to investigate the means of introducing that general prohibition and to consider how the exceptions that exist may be gradually suppressed. This commission shall make its report within two years. Each national section has the right to appoint two delegates on the commission. The commission should call in consultation competent persons chosen from both employers and employees. The Governments will be informed in good time of the meetings of the commission in order that they may be represented.

II. The dangers that the handling and use of white phosphorus and lead present to the health of the workers being particularly serious, there is urgent need for the institution of a commission charged with the investigation of the ways and means adapted to the elimination of those dangers and of bringing about by international agreement the general prohibition of white phosphorus and the suppression in as far as possible of the use of white lead.

This task shall devolve upon the commission charged to report upon the first proposition.

The international committee will immediately start proceedings through the agency of its bureau with Governments and communal authorities to the

[1] Publications of the International Association for Labor Legislation, No. 2, p. 45. See ante, p. 92.

end that the use of white lead may be prohibited in the works of the State, the cities, and municipalities.

Resolutions of the Commission Meeting at Basel [1] (Sept. 9–11, 1903).

A. PROHIBITION OF THE USE OF WHITE PHOSPHORUS IN THE MATCH INDUSTRY.

In execution of the authority given to it at Cologne by the International Association for Labor Legislation, the commission calls upon the bureau:

I. To request the Federal Council of the Swiss Confederation to take the initiative in bringing about an international conference having for its aim the prohibition, by means of an international convention, of the use of white phosphorus in the match industry.

II. The bureau in cooperation with a subcommittee shall, before March 1, 1904, send to the different Governments an explanatory memorandum upon the subject of white phosphorus; it shall send that memorandum to the Governments represented upon the committee through the agency of their respective delegates. The memorandum shall be addressed directly to the other Governments by the bureau.

B. LEAD AND LEAD COLORS.

I. The commission thinks that it is not necessary to resort to international agreements in the matter of the use of white lead in the painting trade.

It is of the opinion that this question does not raise any serious difficulty with reference to international competition and that the more general regulation relative to lead and its compounds would be more profitably the object of an international conference.

II. The commission is of the opinion that it is advisable for the bureau and the national sections to pursue energetically in each country the prohibition of the use of white lead in public and private painting works. The national sections are invited to send to the bureau before March 1, 1904, a report on the measures they have taken for the purpose of bringing about the suppression of the use of white lead in painting. The bureau shall give a report at the next meeting of the committee of the measures that have been taken up with the Governments.

III. The commission charges the Bureau of the International Association to urge the sections to take up measures with their respective Governments as soon as possible, by setting forth the facts as to the number of establishments in which cases of lead poisoning have been discovered and presenting the data collected in the different countries by the International Labor Office, in order that—

(1) The necessary investigations may be made in order to ascertain completely the present condition of affairs. (2) If in spite of scientific research for the discovery of harmless substitutes the prohibition of the use of lead seems impossible, the dangers which threaten the health of the workers may be eliminated or at least diminished in so far as possible by the rigorous application of the special regulations already existent or by the promulgation of new protective regulations for each of the different categories of industry that manufacture or use lead or its compounds.

The question of lead in its entirety should be made the special order of the day at the next meeting of the committee in order that ways and means

[1] Publications of the International Association for Labor Legislation, No. 3, pp. 6–8. See ante, pp. 92, 93.

may be considered to introduce the improvements which have been recognized to be possible.

C. Prohibition of the Industrial Night Work of Women Employed Outside of Their Homes.

I. In compliance with the order given to it at Cologne by the International Association for Labor Legislation, the commission calls upon the bureau to request the Federal Council of the Swiss Confederation to take the initiative in bringing about an international conference having for its aim the prohibition, by means of an international convention, of night work of women in industry.

II. The bureau in cooperation with a subcommittee shall, before March 1, 1904, send to the different Governments a memorandum on the question of night work of women; it shall send this memorandum to the Governments represented on the committee through their respective delegates. The memorandum shall be addressed directly to the other Governments by the bureau.

The memorandum shall definitely state that the prohibition of night work of women ought to insure to all working women employed in an industrial establishment, that is, outside of their homes, a rest of 12 consecutive hours between evening and morning. In case the immediate introduction of night rest of 12 hours' duration presents difficulties, the period of night rest may be fixed at 10 hours during a period of transition. The memorandum shall explain the different resolutions adopted by the commission.

1. Exceptions may be provided for in case of imminent or actual accident.

2. Women assigned to work upon materials subject to very rapid deterioration, as, for example, in fish and certain fruit industries, may be allowed to work at night on each occasion when it is necessary in order to save the materials from otherwise unavoidable loss.

3. Seasonal industries and those whose needs are similar shall find, in the transitional provision prescribing a night's rest of 10 hours, the additional hours for work of which they may be in need in their present state of organization.

4. Periods of time may be set within which to bring about the realization of these reforms.

Resolutions of the Third Delegates' Meeting [1] (Basel, September 26–27, 1904).

I. International Protection of Laborers.

1. The committee of the International Association notes with satisfaction the work of the special commission and approves the acts inspired by it and executed by the bureau.

2. The Bureau of the International Association is instructed to express to the high Swiss Federal Council its profound appreciation of the council's intention to comply with its request and convoke an international conference for the legal protection of labor.

3. The Bureau of the International Association is instructed to express the gratitude of the association to the high Governments of the French Republic and the Kingdom of Italy which, by the conclusion of a protective labor treaty, have taken an initiative that will promote the international protection of labor.

These letters shall be signed also by the presidents of the sections.

[1] Publications of the International Association for Labor Legislation, No. 3, pp. 171–176. See ante, pp. 93, 94.

II. ORGANIZATION OF THE ASSOCIATION.

1. The statutes of the Swiss section are approved in their present form.

2. Each of the sections of the International Association for Labor Legislation shall appoint one of its members, or a special committee, instructed to work, either with the Bureau of the International Association or independently of it, for the formation of sections in sympathy with the principles of the International Association in the countries that are not yet represented in the association, and for the carrying on of propaganda through the press.

The sections shall notify the Bureau of the International Association of the persons designated, or the appointments made in pursuance of the preceding paragraph.

The sections shall present to each of the general assemblies a report on their activities in the matter of propaganda.

3. The Bureau of the International Association is instructed to consult with the sections and Governments in due time for the purpose of determining the place and exact date of the next general assembly of the committee.

III. FINANCES AND INTERNATIONAL LABOR OFFICE.

1. After having verified the accounts of the years 1902–1903, the general assembly discharges the Bureau of the International Association of its obligations for these two years.

2. Beginning with the year 1905, a single budget shall be made out for each year—that of the International Association; in this the budget of the International Office shall constitute a separate chapter. The proposed budget shall be submitted each year for the approval of the presidents of the sections before becoming final.

3. (*a*) The sections assume the obligation of printing at their own expense the reports which they present to the general assemblies and of furnishing gratuitously 115 copies to the bureau of the association.

(*b*) The sections of the countries whose Governments do not yet grant any subvention to the association or at least the subvention designated in the budget, are under obligation to take proceedings before their respective Governments in order to induce the latter to grant to the International Association the annual subventions designated in their budget.

(*c*) The sections pledge themselves to make all possible effort to insure a wider sale of the Bulletin, and in particular to take up the matter with their Governments and local authorities in order that the latter may recommend that public administrations subscribe to the Bulletin.

4. In spite of the measures to be taken by the sections, (see 3 *a* to *c*) the present financial situation of the association is such as to endanger seriously the regular functioning of the International Labor Office inasmuch as the receipts are out of all proportion to the high expenses resulting from the activities in the preparation of international labor legislation. In view of these facts, the assembly calls upon the governmental representatives present to inform their respective Governments of the present financial situation, with or without preliminary agreement, in order that they may increase their regular subventions.

5. The general assembly approves the proposed budget for the year 1905, as modified by the committee.

6. The association notes with satisfaction the report of the International Labor Office. It thanks the officials of that office for their devoted and zealous service.

IV. The Struggle Against the Dangers of Occupational Poisoning.

A. LEAD AND LEAD COMPOUNDS.

1. The question of lead ought to be studied separately for each group of industries of certain importance manufacturing or using lead, such as shops manufacturing lead and zinc, manufactories of lead colors, ceramic and painting industries, manufactories of electric accumulators, publishing and printing industries, lead workers, file cutters and cutters of precious stones, dye works, etc. New investigations should be made if there is need in order that there may be enacted for each of these industries the special protective regulations necessary, or that certain uses of lead or of its compounds may even be prohibited.

A committee shall be instructed to study separately the different groups of dangerous industries, to draw up the practical conclusions of its studies, and, if there is occasion, to frame standard regulations. It shall submit to the bureau the results of its work as soon as completed for each group of industry.

2. As regards the use of white lead in the painting industry, the association supports without modification the recommendation already adopted in favor of the suppression of the use of this material in all works where other substances can be used in its place. It considers besides that strict regulations must, of necessity, be enacted where its suppression has not yet been obtained.

3. The association decides that the office shall distribute to the sections as soon as possible the report by which Mr. de Vooys undertakes to show that the use of lead glazes can be dispensed with in the ceramic industry.

B. INDUSTRIAL POISONS.

(*a*) The bureau is instructed to secure, in the most suitable way, the adoption of the following fundamental principles for combating in a systematic manner the dangers of industrial poisoning:

1. It shall be the duty of the medical practitioners and hospital administrations to bring to the attention of the competent authorities the cases of industrial poisoning designated by administrative regulations.

The physicians shall be remunerated for the service rendered.

2. In cases where the law will require the attendance of physicians upon an establishment, it is important that the physician of those establishments which manufacture or use industrial poisons shall be absolutely independent of the employers of these establishments.

3. The establishments manufacturing or using industrial poisons must be declared as such by the heads of the establishment. That declaration must contain an enumeration of the poisons manufactured or handled in the establishment.

4. Sick funds and mutual relief societies ought in their own interest to give very special attention to those of their members who work in establishments manufacturing or using poisons; they ought to make special morbidity investigations and to communicate the results of the same to labor inspectors in order to enable them to combat effectively the causes of poisoning.

5. It is advisable to encourage in medical schools the study and knowledge of industrial poisoning; the attention of young doctors must be directed by special courses to the importance of labor hygiene and the prophylaxis of occupational diseases.

6. In order to insure a really efficient supervision of establishments which produce or use industrial poisons, it is expedient, besides the attending physi-

cians already mentioned, to place in charge medical inspectors having a thorough and special knowledge of industrial hygiene.

7. It is advisable to regulate the length of the workday in each dangerous industry by taking account of the degree of toxicity of the industrial poisons handled.

(*b*) The bureau is urged to instruct a committee of experts to draw up and make public a list of substances which should be recognized as industrial poisons, and to classify these poisons according to the seriousness of the disease caused by each.

The bureau shall insure wide publicity to this list.

C. PRIZES OFFERED TO THE ASSOCIATION.

The association accepts with thanks, on the conditions reported by the bureau, the prizes that have been offered it for combating the dangers which the use of lead presents to workers.

It instructs the bureau to convey to the generous donors an expression of its profound gratitude.

The bureau must designate the experts left to the selection of the association from among the candidates presented by the national sections.

V. NIGHT WORK OF YOUNG PERSONS.

The association without prejudice to the program of the international conference and considering the urgent need for the suppression of night work of young persons, requests the bureau to lay before the sections this question and to make it the order of the day of the next meeting of the association.

The bureau is authorized to entrust the investigation to a committee and to invite the sections to appoint their representatives to it.

Proposed Questionnaire for the Sections:

1. What is the number of children and young persons employed in your country (actual number and percentage of the whole number of workers)?

What is the number of those employed at night?

(*a*) By age?

(*b*) By industry?

2. How many are there who fall under the head of exceptions, in what industries and under what form?

3. What are the effects of the exceptions, how do they justify themselves, what exceptions could be done away with, what would be the result of such action, both from the technical and economic point of view? (Obtain this information chiefly from factory inspection reports.)

4. What difficulties would oppose themselves in your country to making 18 the age limit for the protection of young workers?

5. What is the legal length of night rest; what is the length of night work allowed in exceptional cases, for what reasons? (Inquiries should be made of the teaching force, medical force, etc.)

6. In what industries have violations of the prohibition of night work been observed; what were the reasons?

7. Give the same information relative to employees other than manual workers.

VI. HOME WORK.

1. The national sections are invited by the Bureau of the International Association to start under conditions which they shall determine and in

accordance with a program the details of which are left to their own free discretion, an investigation on the two following points:

(*a*) What has been the influence of protective labor legislation on the development of home work in that which concerns especially women and young workers?

(*b*) What are the principal abuses resulting either from the absence or insufficiency of regulation of this kind of labor both from the point of view of the duration of the work of these classes of workers and from that of the conditions of safety and hygiene of the place of work?

2. The sections must apply in as far as possible, the monographic method, that is to say, they must carry on their investigation not upon the whole of the industries of the country, but on certain industries chosen by them for the purpose.

3. The scope of the inquiry includes:

(*a*) Home work, properly so called, that is to say, work done in the home by the worker with or without the assistance of one or more helpers, for the account of an employer. It is advisable to include in this category certain home workers whose independence is only apparent and who are really entirely dependent upon manufacturers or big retail stores.

(*b*) The work done in shops free, wholly or in part, from legal regulation either because they are family shops, or by reason of the small number of workers regularly employed, or by reason of the nature of the industry, or for any other cause.

VII. Legal Limitations of the Workday.

The international Association for Labor Legislation requests the sections to make a study of the question of legal limitation of the workday of manual workers and all other employees in commerce and industry.

And it requests the sections to prepare for the next general meeting reports on the status of the question in the different countries.

VIII. Social Insurance.

1. As regards the rights guaranteed to the worker and his dependents by liability and insurance legislation, there is no occasion for discriminating between beneficiaries because of their nationality, their domicile, or their residence. The law of the domicile of the enterprise for which the laborer works is applicable.

2. The national sections shall, before the next general assembly, furnish the bureau of the association with a report on the ways and means of applying this principle within each country and in international relations from the twofold point of view of civil responsibility and insurance organization.

Resolutions of the Fourth Delegates' Meeting[1] (Geneva, September 27–29, 1906).

I. International Conventions.

The board of the International Association for Labor Legislation is instructed to convey the thanks of the association to those Governments which have become parties to the labor conventions signed at Bern on September 26, 1906, and to congratulate the high Swiss Federal Council on the success of its efforts.

[1] See ante, pp. 94–98.

II. FINANCES, INTERNATIONAL LABOR OFFICE, STATUTES OF NEW SECTIONS, STANDING ORDERS.

The board of the International Association is instructed to convey the thanks of the association to those Governments which, by increasing their State subsidies, have substantially helped towards the improvement in the financial condition of the association, and thereby enabled the International Labor Office to maintain its efficiency.

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III. ADMINISTRATION OF LABOR LAWS.

The sections are requested to report to the board on the measures taken, in accordance with legal enactment or special order in their respective countries, to secure the observance of labor laws. To this end, a list of questions will be remitted to the sections by the board. On receiving the replies to these questions, the board shall draw up a comparative report on the steps taken to secure the effective administration of the labor laws in the various countries.

IV. EMPLOYMENT OF CHILDREN.

The board is instructed to invite the sections to report on the conditions and extent of the employment of children in industry and the existing legal provisions for the protection of children employed, and to lay before the next delegates' meeting a report compiled from the reports so obtained.

V. NIGHT WORK OF YOUNG PERSONS.

1. Night work shall be in general forbidden for young persons under 18 years of age.

2. This prohibition is absolute for young persons under 14 years of age.

3. For young persons aged 14 years and upwards exceptions are allowed:

(*a*) In cases of force majeure, or exceptional circumstances.

(*b*) In industries the materials of which are of a highly perishable nature, in order to prevent serious damage.

4. Night work is absolutely forbidden in all places where goods are exposed for sale, hotels and public-houses, as well as in the countinghouses attached to commercial industrial establishments where night work is forbidden.

5. The night's rest shall last at least 11 hours, and shall in all cases include the period from 10 p. m. to 5 a. m.

6. Provision may be made for periods of transition.

7. The International Association expresses its hope that inspection will be efficiently carried out.

8. The meeting instructs a commission to ascertain by what methods practical effect can be given to the above resolutions. This commission shall present a report within two years. Each section has the right to nominate two delegates to this commission and to name experts from among employees and workmen to assist at the deliberations of the commission.

The Governments will have timely notice of all impending sittings of the commission in order that they may be able to send representatives.

VI. LEGAL MAXIMUM WORKING-DAY.

The International Association is of the opinion:

1. That the determination by law of a maximum period of daily work is of the highest importance for the maintenance and promotion of the physical and intellectual welfare of workmen and employees.

2. That, over and above limitations of hours of work brought about by the efforts of trade-unions, the intervention of the legislature is necessary in order to set a limit to daily hours of work in general.

3. That, to enable the association to judge as to the expediency of international agreements on this subject, it is desirable that the International Labor Office should lay before the next delegates' meeting a report concerning—

(*a*) The actual hours of work of adult workmen and employees.

(*b*) The effects, especially on the productive capacity of workmen and upon technical improvements, of those limitations which have been already brought about either by law, special order, or the initiative of employers or trade-unions.

The International Labor Office is authorized to limit this investigation to particular branches of industry if a general investigation should be found disproportionately beset with difficulties.

VII. Home Work.

The association is of the opinion that the bad conditions shown to exist in home industries necessitate State intervention.

The sections are requested—

A. (*a*) To urge upon their respective Governments the enactment of legal provisions requiring employers (undertakers or subcontractors)—

(1) To keep a register of all workers employed by them outside their premises, and to hold it at all times at the disposal of the public authorities.

(2) To provide each person, when the work is given out, with exact written particulars of the piecework rates and the cost of materials, and to post the rates of pay current in the business on a notice affixed in all pay offices.

(*b*) To consider the means of procuring a wide publicity for the information concerning wages obtained by legal provisions as recommended above.

B. To promote the extension to home workers of legal provisions relating to inspection of work places, as well as of systems of workmen's insurance.

C. To demand, in the interests both of the public and of the workers, the most stringent enforcement of existing sanitary laws and regulations in unhealthy workrooms where home work is carried on, and to promote such regulations where they do not exist.

D. To initiate and encourage the formation and active work of trade-unions among home workers, buyers' leagues, etc., with a view to promoting private initiative.

E. The board is instructed to indicate, with the cooperation of a subcommission—

(*a*) The branches of home industry in each country, the products of which compete in the world's markets with those of other countries; the field of such competition; and the conditions of work and organization of the industries in which such competition is found.

(*b*) Those home industries in which the absence of sick insurance, long hours of work (especially of women and children), inadequacy of wages, periodic slackness of work, call most urgently for measures of protection for the workers.

VIII. Industrial Poisons.

1. With the object of carrying out Resolution IV, A. 1, passed at the delegates' meeting, 1904, the association requests the board to invite the sections to nominate as soon as possible experts to institute investigations in their respective countries, and to report before January 1, 1908, at latest, on the best methods of combating the dangers attendant on the manufacture and

use of lead paints and colors, especially in the ceramic and the polygraphic industries.

These reports should be sent to the International Labor Office, which shall proceed to appoint three experts of three different nationalities. These experts shall draw up a final report based upon those presented.

The board is requested to place at the disposal of this commission of three any of the essays entered for the prize competition which it considers might be of service to them.

2. The several sections are requested by the board to submit reports on the prohibition of the use of lead paints and colors before March 1, 1908, at latest. These reports should state whether such prohibition is enacted by law or by special order, and whether it applies to public or private works only or to both; they should contain information as to the effects of the prohibition, and as to experiments which might with advantage be made with leadless colors.

3. With a view to carrying out Resolution IV B (*b*) passed by the delegates' meeting, 1904, the commission recommends the appointment of three experts of three different nationalities, whose duty shall be to draw up a final statement, based on the lists provided by the sections, of the most important industrial poisons arranged in order of the degree of danger attending their use.

4. The delegates' meeting of the International Association for Labor Legislation expresses the hope that the Governments which have not signed the convention concerning the prohibition of the use of white phosphorus will, in the near future, adhere to this measure for securing the health of the workers. The association urges the sections in these countries to undertake the necessary inquiries, and to exert themselves to the utmost to promote the introduction of the aforesaid prohibition.

IX. Workmen's Insurance.

The International Association for Labor Legislation concludes from the reports of the various sections that it is possible to establish the principle of the equality of foreigners and natives as regards insurance by means of an international convention.

The sections are therefore requested—

(1) To present to the next delegates' meeting a draft of an international convention, concerning, in the first place, accident insurance, which would establish this principle both as regards the amount of the indemnity and the conditions of procuring the same.

(2) To continue to work by means of national legislation or international treaties, toward the realization of this principle, until it is fully recognized by an international convention.

(3) To report to the next delegates' meeting what degree of modification or addition by further enactments would be required to bring the laws of their respective countries into correspondence with the principle laid down.

Resolutions of the Fifth Delegates' Meeting [1] (Lucerne, Sept. 28–30, 1908).

I. International Conventions.

The board of the International Association is requested to convey, after December 31, 1908, the thanks of the association to the Governments of those States which shall then have ratified the labor conventions signed at Bern on September 26, 1906.

[1] Publications of the International Association for Labor Legislation, No. 6, pp. 111–121. See ante, pp. 98, 99.

The board is requested to transmit to the Government of Sweden a memorandum expressing the thanks of the association for the efforts made in the matter of the ratification of the Bern Convention relating to the night work of women, regretting that these efforts were not successful, and expressing the hope that when further steps are taken the desired result will be attained.

II. Finances, Bulletin, Staff Regulations, Library, etc.

A. FINANCES.

1. The Fifth Delegates' Meeting adopts with pleasure the reports of the board, the treasurer and the International Labor Office, and expresses its thanks for their work.

2. The treasurer's financial statements, being duly audited, are adopted.

3. The budget for 1909 and 1910 is adopted, subject to the following modifications:

The item for printing (Bulletin) shall be increased to 18,000 francs, out of which 4,000 francs shall be devoted annually toward the expenses of the English edition. A further sum, not to exceed 2,000 francs annually, shall be granted, if necessary, to meet any deficit in respect of the English edition. A sum not exceeding 2,000 francs shall also be granted to meet any deficit in respect of the English edition during 1908.

B. BULLETIN OF THE INTERNATIONAL LABOR OFFICE.

1. Until the financial position of the association shows a further improvement, the board is requested to refrain from enlarging the Bulletin.

2. The board is recommended to take all possible steps to secure the prompt and regular publication of the Bulletin and to reduce the expenses as far as possible.

C. PENSION INSURANCE OF THE EMPLOYEES IN THE INTERNATIONAL LABOR OFFICE.

The Fifth Delegates' Meeting approves the regulations for the insurance of the employees, with the following amendments:

1. The first sentence of clause 1 shall read as follows: "The International Association for Labor Legislation shall be the insuring party through the board."

2. Clause 5 shall read as follows: "In the event of a contract of employment being ended either on the part of the Labor Office or on that of an employee, the policy of the employee who thus leaves the service of the association shall under all circumstances be handed over to the employee as his own property."

3. Clause 6 shall be omitted.

D. SALARIES OF THE EMPLOYEES OF THE INTERNATIONAL LABOR OFFICE.

The meeting approves the scheme relating to salaries with the following amendments:

1. Clause 3, paragraph 2, shall be omitted.

2. Clause 6 shall read as follows: "In exceptional cases the board may grant special payment, if an employee works overtime at the request of the director for four or more weeks, arising out of stress of work or other causes."

3. Clause 7 shall be omitted.

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E. CATALOGUE OF THE LIBRARY OF THE INTERNATIONAL LABOR OFFICE.

The Labor Office is requested to do its utmost to expedite the compilation of the subject catalogue of the library, and, on request, to allow copies of any sections of this catalogue to be made at the expense of persons desiring the same.

F. PLACE AND TIME OF THE NEXT MEETING.

The delegates' meeting resolves the next (sixth) delegates' meeting of the International Association shall be held in the autumn of 1910 at Lugano.

III. Administration of Labor Laws.

In pursuance of the resolutions of the Fourth Delegates' Meeting relating to the administration of labor laws, the meeting resolves as follows:

1. The International Labor Office is requested to complete the preliminary report on the administration of labor laws, and to submit the same for criticism to the Governments and sections concerned.

2. The International Labor Office shall draw the attention of the Governments to the report when completed. Suitable steps shall be taken to make the report as widely known as possible among the general public.

3. The International Labor Office is requested to report from time to time to the delegates' meetings on any changes introduced affecting the administration of labor laws.

IV. Employment of Children.

The sections are requested to seek means to secure, as far as possible, the complete prohibition of child labor, and, in so doing, to be guided by the following principles:

1. The employment of children to be subject to regulation in all occupations carried on for purposes of gain.

2. Such regulations to apply to all children employed; in agriculture, a distinction to be made between children working for their parents and for strangers.

3. Children not to be employed for purposes of gain during school age; in so far as school attendance is not compulsory, employment to be permitted on the conclusion of the fourteenth year or age, or, in agriculture, of the thirteenth year.

V. Night Work of Young Persons.

The delegates' meeting leaves it to the board of the association to choose the occasion for proposing to the Governments the conclusion of an international agreement relating to the prohibition of the night work of young persons, but hereby adopts the following definite proposals which, in the opinion of the meeting, could be introduced in the present state of affairs.

The meeting resolves, at the same time, to leave the special commission appointed in pursuance of Resolution V, 8, of the Fourth Delegates' Meeting, constituted as at present, with the duty of continuing the collection and compilation of data bearing on the possibility of prohibiting the night work of young persons, until the time is ripe for approaching the Governments on the matter. It shall be, in addition, the duty of the commission to inquire whether the technical development of any branches of industry has, in the meantime, advanced sufficiently to admit of the further extension of the proposed prohibition of the night work of young persons. The board is requested to issue jointly with a subcommittee to be elected from among the

members of the special commission, a publication setting forth the actual conditions under which the night work of young persons is carried on in the various countries, and the possibility of doing away with such night work (as was done as regards the prohibition of the night work of women).

The definite recommendations of the delegates' meeting on this subject are as follows:

1. The night work of young persons to be, in general, prohibited in industrial occupations until the conclusion of the eighteenth year of their age.

2. The prohibition to be absolute until the conclusion of the fourteenth year of their age, and until they are exempt from school attendance.

3. Night work may be permitted for young persons over 14—

(*a*) In cases of force majeure when the manufacturing process is subjected to an interruption impossible to foresee, and not of a periodical character;

(*b*) In industries where the materials used, whether as raw materials or in any manufacturing process, are of a highly perishable nature, where necessary, in order to prevent damage to the materials in question;

(*c*) In the glass industry, in the case of young persons employed in "gathering" the liquid glass from the furnaces, provided that—

1. The period of their employment at night shall be limited by law, and

2. The number of young persons so employed is limited to that required for the purpose of training the necessary number of skilled workmen.

This exception to be allowed only as a temporary measure.

(*d*) In iron works, for young persons employed in rolling, provided that they are over 16 years of age.

4. The delegates' meeting expresses no opinion on the resolution adopted at Geneva, in 1906, recommending that night work should be absolutely forbidden "in all places where goods are exposed for sale, hotels and public houses, as well as in countinghouses, etc.," and refers the same back to the special commission for consideration.

5. The night's rest shall last at least 11 hours, and shall, in all cases, include the period from 10 p. m. to 5 a. m.

6. Provision may be made for periods of transition.

7. The delegates' meeting expresses the hope that inspection will be efficiently carried out.

8. The delegates' meeting maintains that the regular night work of young persons is always to be regarded as an abuse, which, in principle, should not be tolerated in any circumstances. Until it is possible to abolish such night work entirely by means of an international agreement, the meeting invites all the national sections to work actively to secure the removal or diminution of this abuse.

VI. Maximum Working Day.

In pursuance of the principles adopted by resolution of the Fourth Delegates' Meeting, held at Geneva, respecting the maximum working day, namely:

1. The determination by law of a maximum period of daily work is of the highest importance for the maintenance and promotion of the physical and intellectual welfare of workmen and employees.

2. Over and above limitations of hours of work brought about by the efforts of trade-unions, the intervention of the legislature is necessary in order to set a limit to daily hours of work in general.

The delegates' meeting resolves:

1. As regards the employment of women—

The period of employment for all women subject to the provisions of the Bern Convention on the Night Work of Women to be limited by international

agreement to 10 hours. This legal maximum period of employment to be introduced by degrees.

2. As regards male workers in the textile industry—

The same maximum of 10 hours to be introduced by degrees for men employed in the textile industry.

3. As regards persons employed in coal mines—

(*a*) A maximum eight-hour day to be introduced for all workmen employed below ground.

(*b*) The board is requested to appoint a commission to determine what shall be the technical definition of an "eight-hour shift."

4. As regards the period of employment in smelting works, rolling mills, and glass works—

(*a*) In view of the fact that the information compiled is still incomplete, the Labor Office is requested to continue the study of this question.

(*b*) The Governments should be urged to institute inquiries into the period of employment in these industries.

(*c*) The sections are requested to procure in their respective countries expressions of opinion from technical experts in the branches of industry concerned on the best methods of regulating hours of work.

VII. Home Work.

A. GENERAL.

1. The delegates' meeting draws further attention to and reaffirms the measures recommended at Geneva in 1906 (compulsory registration, publication of wage lists, extension of inspection, social insurance, sanitary regulations, promotion of trade organizations, consumers' leagues, etc.).

2. The delegates' meeting is of the opinion that in introducing the above measures and those recommended below, consideration must always be given to the special characteristics of the various domestic industries.

3. The delegates' meeting considers that bad conditions in home work are due primarily to inadequacy of wages, and that, consequently, it is of the first importance to find means of raising wages.

To this end the delegates' meeting—

(*a*) Urges the formation of trade organizations amongst home workers, the conclusion of collective agreements, and the legal recognition of such agreements in countries where the law fails at present to recognize the same.

(*b*) Requests the sections to make inquiries as to how far it would be practicable to introduce in their respective countries a law giving the courts power to annul agreements for starvation wages and wage agreements of an usurious nature, and to punish employers who conclude such agreements.

(*c*) Requests the sections—

(1) To study the question of the organization of wages boards.

(2) In cases where trade organization has proved unworkable, and where conditions permit, to invite their Governments to try the introduction of minimum wages by appointing joint wages boards to determine rates of wages; for this purpose use could be made, if desired, of the provisions of the English bill on the subject. Any such experiment should be made first in those domestic industries where it could apparently be most easily enforced, and where the work in question is the main occupation of the majority of the persons concerned.

(3) To report to the association on the results attained; the British section is, in particular, requested to report regularly on experience gained in the United Kingdom.

4. In view of the wide scope of the home-work problem, the delegates' meeting is of opinion that it is not at present practicable to consider all the other measures proposed, especially the extension of labor laws to home work. The consideration of these questions is, therefore, postponed to a future meeting.

5. The delegates' meeting invites the national sections to study means whereby it may be rendered possible in practice to subject home workers to factory legislation (normal periods of employment, hygiene, and security in work places). For this purpose existing legislation and legislative proposals should be taken into consideration.

B. MACHINE-MADE SWISS EMBROIDERY.

The delegates' meeting requests the German, Austrian, American, French, and Swiss sections to investigate the question whether the regulations relating to conditions of work in the embroidery trade proposed in the memorial drafted by the board could be made the basis of international negotiations between the countries concerned. The sections in question are requested to report to the board, who will then decide whether a special commission should be convened to consider the matter.

VIII. Industrial Poisons.

A. WHITE PHOSPHORUS.

The delegates' meeting thanks the Austrian and British sections for their scientific work, their efforts to arouse public opinion, and their parliamentary activities, as a result of which the adhesion of their Governments to the convention prohibiting the use of white phosphorus is expected. The meeting also thanks the Spanish and Hungarian sections, which, with a like end in view, have instituted inquiries and presented petitions. The board is instructed to express the thanks of the association to the Governments in question, as soon as the prohibition in question is introduced, and to thank the British Government without delay for introducing a bill to prohibit the manufacture and importation of white phosphorus matches, and also the Austrian House of Representatives for the resolutions it has adopted in this sense, and the Austrian Government for their sympathetic attitude.

The board is requested to continue its efforts in those countries which have not yet joined in the Bern Convention, especially in Belgium and Sweden.

The dangers to the consumer attached to the use of white phosphorus matches make it desirable for countries where such matches are not produced, but only imported (e. g., Australia), to prohibit their importation. Such prohibition would incidentally facilitate the introduction of the prohibition in countries which have, as yet, refused to adhere to the Bern Convention merely out of consideration for their export trade.

B. LEAD.

1. *Painting and Decorating.*

The delegates' meeting repeats the wish, expressed at previous meetings, that the use of lead paints and colors should be prohibited. In particular, the meeting is decidedly of opinion that, according to present-day experience, the use of white lead can be dispensed with for internal painting and decoration, and could, therefore, be prohibited. As regards the use of lead paints and

colors for all other classes of painting, in particular the use of white lead for external painting and of red lead for other classes of work, the meeting considers that it would be advisable for the Governments to institute experiments respecting the possibility of prohibiting its use. The meeting draws further attention to the Geneva resolution inviting the sections to report to every delegates' meeting on the state of affairs in their respective countries.

Until a general prohibition of lead paints and colors is introduced, all vessels and cases in which substances containing lead are distributed for purposes of trade or use, should be marked in an unmistakable manner, so as to show that their contents contain lead and are poisonous. Workmen employed in preparing or manipulating paints and colors containing lead should always have their attention drawn to the danger of poisoning.

All workmen so exposed to danger, even those employed in small workshops and those who do not work in a definite establishment, should be medically examined at regular intervals.

2. *Ceramic Industry.*

The delegates' meeting resolves that an international commission, consisting of three experts, be appointed, with the duty of compiling regulations for the prevention of lead poisoning in the ceramic industry. The results arrived at by this commission are to be submitted to the national sections for consideration at least one year before the convocation of the next delegates' meeting. The criticisms of the sections shall be forwarded within six months to the commission, who shall hand in their final draft to the board within the following three months.

The following principles shall be taken as the basis of the deliberations of the commission:

1. The use of lead glazes to be restricted as far as possible. To this end the Governments should encourage and promote the introduction of leadless glazes by official researches undertaken in collaboration with the interested parties, and, in general, promote technical and hygienic improvements in the ceramic industry through the medium of technical schools and lectures.

2. In so far as lead glazes necessarily continue in use, soluble lead constituents should be replaced by well-fritted and, as far as possible, insoluble compounds.

3. The preparation of lead frits and glazes should be effected as far as possible in special glaze factories, or in perfectly adapted glaze departments of large firms.

4. In small potteries with low temperature furnaces, either well-fritted glazes or galena (not red lead or litharge) should be used, according to technical requirements. Further, in the very smallest undertakings (domestic industry) workrooms should be separated from dwelling rooms.

5. Even where carried on as a domestic industry, the ceramic industry should be subject to industrial inspection.

3. *Polygraphic Industry.*

The delegates' meeting resolves to appoint another international commission, consisting of three experts, to prepare regulations for the prevention of lead poisoning in the polygraphic industry. As in the case of the commission on the ceramic industry, this commission shall report on the polygraphic industry to the national sections one year before the next delegates' meeting. The criticisms of the sections shall be forwarded to the commission within six

months, and the commission shall hand in its final report to the board within the following three months.

The principles laid down in the prize essays and those purchased, and in the reports presented by the sections, and the recommendations set out below, shall be taken as the basis of the deliberations of the commission as far as concerns the typographical industry.

Experience has shown the excellent working of the general hygienic provisions regulating conditions of work in the letterpress printing trade contained in the German order. But these provisions would need to be extended and supplemented in order to be applicable under present conditions in all countries. In particular, the questions of cleanliness and ventilation and of temperature in rooms where lead is melted for type-setting machines, stereotyping, or type founding need to be regulated in detail. Further, it would seem desirable to prohibit eating and smoking in workrooms, to prohibit the employment of women in type founding and to introduce provisions requiring type cases to be cleaned by suction. Provisions regulating the use of lead colors, similar to those proposed for painting and decorating, should be introduced also in the polygraphic industry. Lead and bronze dust generated in processes regularly carried out should be drawn off by an apparatus from which the dust can not escape. As a general rule, the different branches of work in the polygraphic industry should be carried on in separate rooms.

C. LIST OF INDUSTRIAL POISONS.

The delegates' meeting resolves that the list of poisons drawn up by Prof. Sommerfeld be referred to the sections for consideration.

IX. Working in Caissons.

The delegates' meeting resolves to intrust, at an early date, the compilation of a comprehensive report on work in caissons to a small special commission of experts. This commission shall present its report to the board for the use of the sections within one year at latest.

X. Workmen's Insurance: Treatment of Foreigners in Case of Accident.

1. In pursuance of Resolution IX adopted at Geneva, the delegates' meeting expresses the wish that, either by national legislation, by treaties between two States, or by a general International Convention brought about by the initiative of the Government of one such State, the principle of equal rights for foreigners and subjects of a State should be brought into force, not only as regards the amount of conmpensation payable, but also as regards the conditions for receiving the same.

To this end the meeting recommends the adoption of the following principles already embodied in certain treaties now in force:[1]

(*a*) Foreigners meeting with industrial accidents and their dependents to be placed in the same position as subjects of a State, in respect of compensa-

[1] Cf. Treaty between France and Italy, dated April 15, 1904.
Treaty between Belgium and Luxemburg, dated April 15, 1905.
Treaty between Germany and Luxemburg, dated September 2, 1905.
Treaty between France and Belgium, dated February 21, 1906.
Convention between Belgium and Luxemburg, dated May 22, 1906.
Treaty between France and Italy, dated June 9, 1906.
Treaty between France and Luxemburg, dated June 27, 1906.
Treaty between Germany and Holland, dated August 27, 1907.

tion for injuries resulting from such accidents, both as regards the amount and the conditions under which it is payable.

(*b*) In the case of transport undertakings extending over two countries, the law of the country where the undertaking has its domicile shall apply in respect of the traveling staff, regardless of the relative extent of the business done in the two countries respectively.

The traveling staff shall remain under the said law, even though occasionally employed in work which is attached to some other department of the undertaking.

(*c*) Similarly in the case of undertakings carried on in both countries, the law of the country where the undertaking is domiciled shall continue to apply in the case of workmen and employees who are only temporarily employed, and that for less than six months, outside the country where the undertaking is domiciled.

(*d*) If an industrial accident occurs for which compensation is undoubtedly payable, but a doubt arises as to who is liable to pay the compensation or as to which legislation should apply, the insurer who is first concerned with the case shall pay compensation provisionally to the person entitled to receive the same, until the incidence of the liability is finally determined.

Provisional compensation so paid shall be reimbursed by the person found liable to pay the compensation.

(*e*) In enforcing the laws in question, the official bodies concerned shall render each other mutual assistance.

They shall be bound to make the necessary inquiries for the determination of the facts of any case.

The procedure for dealing with cases of accidents to foreigners should be made as simple and expeditious as possible.

(*f*) Documents, certificates, etc., drawn up and delivered by one State to another in administering laws relating to industrial accidents, shall not be subject to any fees or taxes beyond those which would have been imposed, under the circumstances, in the country of origin.

2. The delegates' meeting requests the sections of those countries which are backward in the matter of treaties respecting the insurance of foreign workmen, to promote the conclusion of such treaties as soon as possible, and, in order to facilitate their work, to enter, if possible into communication with the sections of the association in the other countries concerned.

Resolutions of the Sixth Delegates' Meeting[1] (Lugano, Sept. 26–28, 1910).

I. INTERNATIONAL LABOR CONVENTIONS OF BERN, 1906.

(1) The bureau is instructed to petition the Danish and Spanish Governments to ratify at an early date the Bern Convention of September 26, 1906, respecting the night work of women.

The bureau is instructed to take appropriate measures to secure the accession of Norway, Russia and Finland, Turkey, East India, the Australian and Canadian colonies, and South Africa to this convention.

(2) The delegates' meeting expresses its most cordial thanks to the French, British, and Dutch Governments for the adhesion of their colonies and protectorates to the Bern Convention of September 26, 1906, respecting the prohibition of the use of white (yellow) phosphorus in the match industry, to the Australian Commonwealth for prohibiting the use of white phosphorus, to

[1] Publications of the International Association for Labor Legislation, No. 7, pp. 160–174. Printed also in Bulletin No. 92 of the United States Bureau of Labor Statistics, Washington, D. C., 1911, pp. 182–193. See ante, pp. 99–101.

the American section for its efforts in this direction in the United States, and to the Hungarian Minister of Commerce who has announced that the prohibition of white phosphorus will most probably be introduced in Hungary at an early date.

The bureau is instructed to persevere in its efforts to procure the adhesion of countries which have not yet joined the convention and especially Belgium, Norway, Sweden, India, South Africa, and Japan.

II. New Sections and Constitutions of Sections. Finances and Bulletin. Cooperation with other International Associations. Exhibitions of Hygiene at Dresden and Rome. Place and Date of the Next Meeting.

A. NEW SECTIONS AND CONSTITUTIONS OF SECTIONS.

The constitutions of the Norwegian and Swedish sections are approved.

B. FINANCES AND BULLETIN.

(1) The delegates' meeting acknowledges with satisfaction the reports of the bureau, the treasurer, and the International Labor Office, and thanks them heartily for their activity.

(2) The treasurer's accounts, vouchers, and cash have been audited and found correct.

(3) The budget for 1910 and 1911 is approved. The meeting approves the advance payment of 3,000 francs, requested and made in consequence of the issue of the English edition of the Bulletin having been expedited. In renewing contracts for the publication of the Bulletin every effort shall be made to reduce the cost of printing.

(4) The delegates' meeting expresses to the Government of the United States its hearty thanks for the increase in its appropriation.

(5) The delegates' meeting instructs the bureau to express to the British Government its hearty thanks for sending official representatives, and, at the same time, to convey to it, by these delegates, a request that the British Government may make a contribution toward the expenses of the International Labor Office, as is done by the Governments of all the industrial States of Europe and by the United States of America. This request shall emphasize the fact that such a contribution will be mainly applied to meeting the expenses of the English edition of the Bulletin, which is translated and printed in England. In case the Government of Great Britain should make an appropriation for the International Labor Office, the bureau is authorized, in its discretion, to contribute toward the expenses of translating the Bulletin into English a sum not exceeding in any year the sum actually received from the British Government.

C. COOPERATION WITH OTHER INTERNATIONAL ASSOCIATIONS.

The bureau is authorized to enter into communication with other associations whose aims are similar to those of the International Association for Labor Legislation, in order to come to an understanding regarding any financial or economic questions in which they may have a common interest.

D. INTERNATIONAL EXHIBITIONS AT DRESDEN AND ROME.

The delegates' meeting leaves the bureau free to exhibit at the exhibitions of hygiene at Dresden and Rome any statistical tables or publications relating to industrial hygiene.

E. PLACE AND DATE OF THE NEXT MEETING.

The delegates' meeting resolves that the next (seventh) delegates' meeting of the International Association shall take place in the autumn of 1912 in Zurich.

III. ADMINISTRATION OF LABOR LAWS.

(1) The delegates' meeting takes note of the proof of the first comparative report drawn up by the International Labor Office on the measures adopted in European countries to enforce labor laws. This proof shall be submitted to the sections with a view to its being amended and supplemented.

(2) The bureau is instructed to request the Governments, with a view to making the administration of labor laws in the different countries comparable, to supply data at least on the following points:

1. The nature and number of the establishments subject to inspection and of workers affected;

2. The number of establishments actually inspected and of workers affected;

3. The number of visits of inspection paid by inspectors, distinguishing visits paid at night;

4. The number of cases where persons were cautioned or where penalties were imposed for infringements of the law;

5. The nature and results of arrangements for securing the cooperation of the workers in the enforcement of the law—

(*a*) By including workers in the staff of inspection;

(*b*) By the institution of regular relations between the inspecting staff and organized and unorganized workers;

(*c*) By giving workmen's trade-unions the right to take legal proceedings.

The data desired under 1 to 3 above should be classified according to industries.

The headings of the tables in inspectors' reports should be given in one of the three principal languages.

IV. CHILD LABOR.

A special commission is appointed with instructions to examine the execution, in the several countries, of the laws for the protection of child labor, and to prepare a comprehensive compilation of the results of the investigations undertaken by the sections in pursuance of the Lucerne resolutions.

V. NIGHT WORK OF YOUNG PERSONS.

Being convinced that the Lucerne resolutions form an adequate basis for the international regulation of the night work of young persons, the delegates' meeting instructs the bureau to request the Swiss Federal Council to invite the Governments to an international conference on the subject.

The meeting instructs the subcommission to continue its work in pursuance of the Lucerne resolutions and to inquire whether the exceptions to the prohibition of the night work of young persons declared by the Lucerne resolutions to be permissible could not be further limited in the case of young persons employed in glass works and rolling mills. These investigations shall be continued until such time as the request for the international regulation of the question shall be presented to the Swiss Federal Council.

Being convinced that it is reasonable to determine a definite period for the application of transitory provisions, the delegates' meeting resolves that Resolution V, 6, of the Lucerne resolutions shall read as follows:

Any transitory provisions applicable to rolling mills and glass works, contained in an international convention for the regulation of the night work of young persons, should apply only for a definite period, which it is suggested should be fixed at five years.

The meeting is of opinion, that, in the absence of sufficient information, it would not be expedient to include in an international convention the question of the night work of young persons in hotels, restaurants and public houses, shops and offices. Notwithstanding, the meeting wishes to draw the attention of the various national sections to the interest which every country has in the legal limitation of the night work of young persons of both sexes in these occupations.

VI. Maximum Working Day.

A. TEN-HOUR MAXIMUM WORKING-DAY FOR WOMEN IN ESTABLISHMENTS EMPLOYING TEN OR MORE WORKERS.

The delegates' meeting confirms the resolutions of the Fifth Delegates' Meeting, and, in view of the fact that several States have by national legislation introduced the 10-hour working-day for women, believes that the time has come to extend this 10-hour working-day to all States by international treaty, at least in the case of establishments employing 10 or more workers.

The bureau is authorized to take such steps as may be necessary to bring about such a treaty, and to draw up a memorandum on the subject.

The sections shall for this purpose report to the bureau by February 1, 1911, on the present state of legislation and legal decisions on the hours of work of women in their countries. The memorandum of the bureau shall be laid as soon as possible before a special commission of five members.

B. TEN-HOUR MAXIMUM WORKING-DAY FOR YOUNG PERSONS.

In view of the fact that several States have by national legislation introduced the 10-hour maximum working-day for young persons, the delegates' meeting believes that the time has come to extend the same by international treaty to all States.

The bureau is authorized to take the steps necessary to bring about such a treaty and to prepare for this purpose a memorandum which will take into consideration the special circumstances in individual States and define exactly any exceptions which may be necessary.

The sections shall for this purpose report to the bureau by February 1, 1911, on the present state of legislation and legal decisions on the hours of work of young persons in their countries. The bureau's memorandum shall be laid as soon as possible before the special commission on the maximum working-day for women.

C. TEN-HOUR WORKING-DAY FOR MEN IN TEXTILE INDUSTRIES.

The commission considers it unnecessary to consider again the question of limiting the working-day of men in the textile industries, since it is of opinion that the limitation of the working-day of women necessarily involves the limitation of the working-day of men.

It reserves the right, however, to take up the Lucerne resolution again, at a later date, if experience should show that this is necessary.

D. WORKING-DAY IN CONTINUOUS PROCESSES.

The delegates' meeting considers the 12-hour day, which is still the general custom in continuous processes, to be injurious to health. In particular, working periods of 18, 24 and even 36 hours (in changing shifts) are to be condemned.

The bureau is instructed to appoint a special commission as soon as possible and to present to it the material which is now available as well as any further material which may be secured through the aid of the national sections.

This commission shall report in particular on the following points:

1. On the best methods of arranging shifts;

2. On the possibility of prohibiting the night work of adults in certain continuous processes or of regulating such work where for technical reasons work must be carried on at night;

3. On the necessity for the international regulation of this matter.

The delegates' meeting expects this commission to prepare its report and proposals for reform as soon as possible, and at any rate in time for the next meeting. A subcommission may be appointed if necessary to investigate the conditions of certain industries, such as the iron and glass trades.

E. EIGHT-HOUR SHIFT IN MINES.

In pursuance of the resolutions of the Fifth Delegates' Meeting of the International Association for Labor Legislation with regard to the definition of the 8-hour shift for workmen employed below ground in coal mines, the Sixth Delegates' Meeting is of opinion that the length of a shift should be reckoned as the period between the time when the first man of such shift to descend leaves the surface until the time when the first man of the shift to return completes his ascent to the surface.

The bureau is requested to recommend to the various States to take this definition as the basis of their legislation regulating the duration of shifts.

In applying the above definition, the Sixth Delegates' Meeting reaffirms the Lucerne resolution of 1908 recommending the introduction by law of a maximum 8-hour shift for all underground workers in coal mines.

F. HOURS OF WORK IN SPECIALLY DANGEROUS OR UNHEALTHY INDUSTRIES.

The delegates' meeting reaffirms the resolution of 1906 and at the same time declares that it is desirable for the proper authorities to have legal power to regulate the daily period of employment of adult men in processes and trades especially dangerous to health.

Accordingly the delegates' meeting expresses the desire that the bureau will place this subject upon the agenda of the next meeting.

VII. Workmen's Holidays.

The question of holidays for workmen and employees shall be placed upon the agenda of the next delegates' meeting.

The bureau is instructed to prepare a summary of existing laws on this subject in the various countries and to draw up statistical tables showing the number of establishments in which holidays are allowed, and the numbers of workmen and employees affected.

VIII. Home Work.

A. GENERAL.

(1) The delegates' meeting reaffirms the declaration of the delegates' meeting at Lucerne that the miserable position of the home worker is due primarily to inadequate payment and that consequently it is of the first importance to find means of raising wages.

Having this end in view—

I. The delegates' meeting recommends afresh the organization of home workers in trade-unions and the conclusion of collective wage agreements. The meeting regards the unfettered right of combination as the necessary basis of such collective agreements. In countries where collective agreements are not yet legally recognized under existing law, recognition should be secured in such a manner as to insure their legal validity and their extension when required to home workers in the same occupations who were not originally concerned in the conclusion of the agreements. The delegates' meeting urges the national sections to get into touch with existing organizations of workers with a view to promoting the conclusion of collective agreements with employers and employers' federations.

II. The delegates' meeting recommends the adoption by legislation of the principle that wage agreements for insufficient amounts or of an usurious nature should be null and void, and that the conclusion of such agreements should be subject to penalties. The meeting regards this principle as essential, but at the same time it recognizes that the difficulties of its application are such as to prevent its adoption from being in any sense a solution of the problem.

III. The delegates' meeting is of opinion that at the present time there is no really effective remedy for the evils of home work but the establishment of wages boards such as those provided for in the British act. The meeting is of opinion that in setting up these wages boards the following principles should be observed:

(*a*) The boards should have power to fix minimum rates of wages for home workers in certain industries and certain districts.

(*b*) The average daily earnings of persons employed in workshops in the manufacture of the same articles should not fall below those of home workers paid under the conditions contemplated below.

(*c*) The delegates' meeting is of the opinion that no legislation for fixing minimum rates of wages for home workers can be effective unless it provides for the imposition of penalties upon employers who fail to pay the prescribed rates of wages.

(*d*) The delegates' meeting is of the opinion that inspectors should be appointed to enforce the payment of the prescribed rates of wages.

(*e*) Trade associations of employers and workers should have power to take legal proceedings arising out of legislation contemplated above.

(2) The meeting reiterates and reaffirms the measures recommended at Geneva and Lucerne (compulsory registration, publication of wages lists, extension of inspection, social insurance and sanitary regulations, promotion of trade-unions, consumers' leagues, etc.).

(3) The sections shall report to the bureau every year on June 1 on the organization of wages boards, the methods of determining rates of wages and the consequent results, as well as on the realization of the resolutions of the delegates' meetings at Basel, Geneva, and Lucerne. The bureau shall then compile a comparative report and incorporate the same with future editions of the comparative report on the administration of labor laws.

(4) The delegates' meeting congratulates the British Government and Parliament on their successful initiative in the matter of the protection of home workers. In addition the bureau is instructed to express to the British Board of Trade the warmest thanks of the association for the memorandum on the Trade Boards Act presented to the meeting.

B. MACHINE-MADE SWISS EMBROIDERY.

The delegates' meeting considers that it is desirable for hours of work in the machine-made Swiss embroidery trade where carried on as a home industry to be uniformly regulated in all the countries concerned.

The board is instructed to approach the interested parties through the medium of the sections, and to convene, if possible within a year, a meeting of a special commission (consisting in the first place of representatives of Germany, Austria, Italy, France, and Switzerland) appointed to report to the next delegates' meeting on appropriate measures to be adopted on this matter, including transitory provisions.

The sections concerned are requested, within their respective spheres, to take such steps as may seem good to them to secure the adoption of a uniform system of regulation and to promote at the same time measures for the protection of the home industry in question, and, in particular, the institution or encouragement of so-called crisis funds, which could be secured for instance by an agreement between Switzerland and the districts of the Vorarlberg where the industry is carried on.

Should the special commission agree in the meantime upon such uniform regulations, the bureau shall have authority, in its discretion, to submit the same to the Governments concerned.

IX. Industrial Poisons.

A. WHITE PHOSPHORUS.

(See paragraph (2) of Section I above: International Labor Conventions of Bern, 1906.)

B. LEAD.

(*a*) *Painting and Decorating.*

The delegates' meeting is of opinion that the time has come to prohibit the use of lead paints and colors for interior work and to require that all receptacles containing such colors shall be clearly marked to that effect. The bureau is instructed to approach the national sections on the matter, being guided by the principles set forth in the petition submitted to the meeting. The sections are requested to give the petition their active support on its presentation to their Governments.

(*b*) *Ceramic Industry.*

The delegates' meeting resolves to recommend to the Governments, by means of a petition presented by the bureau, the following principles for the regulation of hygienic conditions in the ceramic industry.

Principles for the Regulation of Hygienic Conditions in the Ceramic Industry.

I. The Governments should take steps towards the abolition of the use of lead in the ceramic industry.

To this end the following measures should be adopted:

1. In the manufacture of china and earthen ware fired at a high temperature the use of lead glaze should be prohibited.

2. As regards the manufacture of earthenware fired at a low temperature a provisional list of articles should be drawn up which can, at the present time, be manufactured without lead. This list, which would be subject to extension, should contain articles of common use such as pots, washing basins, dishes, mugs, bowls, etc., electrical insulators, etc.

3. As regards the manufacture of common pottery and plain stove tiles fired at a low temperature, such as are manufactured on the Continent both in small workshops and in the workers' homes, litharge and red lead should be replaced by galena or any other less dangerous glaze. The preparation and use of unfritted glazes and the fritting process should be prohibited in such works.

The following measures would tend to encourage the gradual adoption of leadless glazes in the ceramic industry:

(*a*) The instruction and assistance of all occupiers in the industry wishing to make a practical trial of the use of leadless glazes.

(*b*) The strict enforcement of hygienic regulations in works using lead glazes.

II. Existing regulations for factories and workshops should alone apply to establishments where leadless glazes are exclusively and permanently used.[1]

Factory inspectors should have power to take, for purposes of analysis at any stage and at any time, samples of glaze and of the substances used in the preparation of the same.

III. The following regulations should be adopted in the case of works using lead glazes:

1. The proper authorities shall have power to require, where necessary, the glazes used to be modified in order to prevent injury to the health of workmen employed in contact with the same.

2. The mixing, grinding, and transportation of lead glazes as well as the lead used in their preparation, shall be effected either in a thoroughly damp state or in apparatus which permits no dust to escape.

3. Frit kilns must be so arranged that the molten frit can flow off into water, and frits must always be drawn off in such a manner.

4. Calcining shall be effected in a place separated from all the other workplaces, and exhaust ventilation in good working order shall be placed over the openings of the furnace.

5. Effective exhaust ventilation shall be applied in a suitable manner at all points where dust is generated, such as the openings of grinding and mixing apparatus, of transport apparatus, and of frit kilns, and benches where glazes are applied in a dry state, where glazes or colors are applied by dusting, or where ware cleaning is carried on.

All places where lead glazes or the lead used in their preparation are handled must be at least 3.5 meters in height and 15 cubic meters of air space shall be allowed for each workman.

The floor must be impervious and washable, and the walls covered to a height of two meters with a smooth and washable coating or paint.

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[1] Within the meaning of these provisions leadless nonpoisonous glazes shall mean all compositions or frits used for glazing in the ceramic industry which contain not more than 1 per cent of lead. Compositions containing no lead compound other than galena shall be held to be leadless. All other glazes shall be held to contain lead within the meaning of these provisions.

6. No glazes shall be manufactured or used in living or sleeping rooms, and no lead glazes or lead used in their preparation, or pottery covered with unfired glaze shall be brought into or stored in such rooms.

Where more than five persons are employed full time in an undertaking, the said processes shall not be carried on in living or sleeping rooms or in rooms where other work is carried on, nor shall glazes, the lead used in their preparation, or pottery covered with unfired glaze be brought into or stored in such places.

7. On the conclusion of a suitable period of transition no female person shall in any circumstances be employed in any kind of work whatsoever which would bring her into contact with unfired lead glazes or compounds or with the lead used in their preparation. No male young persons under 18 years of age shall be employed in such work except in so far as may be necessary for the purposes of learning the trade.

No young persons under 18 or women shall be employed in any circumstances in the calcining process or in cleaning places where the above-mentioned substances or objects covered with unfired glaze have been manipulated or stored.

8. Hours of work shall be reduced for all persons employed in the processes mentioned in the preceding paragraphs in proportion to the dangers attendant upon the respective processes, and especially in the case of workmen in the calcining process, who shall not be so employed continuously.

9. All workpeople employed in the manufacture of glazes containing lead, as well as those who come into contact with raw glazes or the lead used in their preparation, shall wear special working clothes.

10. The employer shall supply without charge a sufficient quantity of suitable working clothes, drinking and washing water, glasses, soap, and towels. The employer shall provide for the washing of the said working clothes and towels.

11. No person shall eat, drink, or smoke in or bring any food, drink, or tobacco into places where lead glazes or the lead used in their preparation are handled, or which are used for storing these substances or pottery covered with unfired lead glazes.

12. The workpeople in question shall be examined every three months by a medical practitioner, appointed by the State authorities. The result of the examinations shall be entered in a register kept for the purpose which shall be open to inspection by the inspecting authority.

13. No workman who is suffering from lead poisoning, or who has been found by the medical practitioner named in section 12 to be unfit on medical grounds for work in contact with lead, shall be employed in the above-mentioned branches of the trade, or in rooms where such work is carried on, during such period as may be fixed by the medical practitioner, but the employer shall employ him elsewhere.

14. Two cloak rooms shall be provided, one for working and one for outdoor clothes, with a suitable lavatory and bathroom between the two. A mess room shall also be provided.

In small undertakings there shall be provided at least dust-proof cupboards where the workers' outdoor and working clothes shall be kept separately, and lavatory accommodation.

15. Employers shall give all workpeople contemplated in paragraph 9 on their entering the employment printed instructions as to the dangers of lead poisoning and its prevention, and shall affix such instructions in the work places.

16. In the case of establishments using lead glazes so composed that the consequent risk to health is small, temporary exemptions from the preceding provisions may be allowed by the authorities in exceptional circumstances.

(*c*) *Polygraphic Industry.*

The delegates' meeting resolves to recommend to the Governments by means of a petition presented by the bureau, the following principles for the regulation of hygienic conditions in the polygraphic industry.

Principles for the Regulation of Hygienic Conditions in Printing Works and Type Foundries.

(1) All places in which employees come into contact with lead or its alloys or compounds shall be well lighted and easily heated and ventilated. There must be an allowance of at least 15 cubic meters of air space and three square meters of floor space for each person employed. Workrooms in new premises shall be at least three meters in height.

(2) Work contemplated in section 1 which causes any considerable amount of dust or an appreciable rise of temperature (such as the melting of lead or type metal, the use of more than one monotype or linotype machine, stereotyping, finishing, and dressing type, and bronzing with powdered bronze) shall be carried out in separate workrooms which must not be in a basement, except where the work is carried on only in exceptional circumstances. In large establishments the composing rooms must be separate from other workrooms.

(3) Rooms must be well lighted with both natural and artificial light, so as to protect adequately the eyesight of the persons employed, consideration being paid to the nature of the work.

(4) The floors of all places mentioned in section 1 shall be without cracks and washable or covered with a substance for preventing dust. The walls must be covered to a height of two meters with a smooth washable coating or paint of light color. No shelves or other appliances where dust can accumulate shall be fitted up, except such as are necessary for the work.

(5) In larger establishments suitable lavatories and cloak rooms separated from the workrooms shall be provided. In small establishments arrangements shall be made for employees to keep their outdoor and working clothes in separate cupboards, and lavatory accommodation with sufficient water laid on, together with a plentiful supply of drinking water shall be provided. In type foundries, large printing works, and works where night work is the rule, mess rooms shall be provided.

(6) Women and young persons under 18 years of age shall not be employed in the occupations contemplated in section 1, provided that apprentices may be employed in any occupations for the purposes of learning the trade, but shall in no circumstances clean the workrooms or cases. The question of whether women should be admitted or excluded from the occupations of composing and operating type-setting machines shall be definitely decided after thorough investigations have been made (see last paragraph, section 15) into the degree of danger attending these occupations.

(7) The floors of all work places, cloakrooms, and lavatories shall be cleaned every day. Once a week all rooms shall be thoroughly cleaned, and after working hours as far as workrooms are concerned. A sufficient number of spittoons shall be provided. The workrooms shall be thoroughly aired several times a day.

(8) Compositors' tables and shelves must be fixed close to the floor, or else arranged in such a way that there is a distance of at least 25 centimeters

between the floor and the lowest shelf. Cases in regular use must be cleaned when necessary and not less often than once in three months; other cases must be cleaned before use. The cleaning of the cases shall be effected by suction, or where necessary in the open air, provided that suitable precautions are taken to protect the workers from dust.

(9) Melting pots and crucibles shall be fitted with sufficiently large pipes for drawing off their contents, and the crucibles and pipes shall be covered so as to be heat proof.

The temperature of work places where founding, stereotyping, or typesetting by machinery is carried on shall not exceed 25° C., unless the outdoor temperature exceeds 18° C. in the shade, in which case the difference shall not exceed 7° C.

(10) Coloring matter containing lead shall be prepared by mechanical means only.

(11) Bronzing with bronze powder shall be effected only by machines allowing no dust to escape and provided with exhaust ventilation. Bronzing with bronze powder shall not be effected by hand, except where the work is undertaken only in exceptional circumstances and rarely, in which case respirators covering mouth and nose shall be worn.

(12) All workmen employed in occupations contemplated in section 1 shall wear washable working clothes.

(13) No unpurified and injurious substances shall be used to clean rollers or type, etc.

(14) No persons shall eat, drink, or smoke in the work places, or bring any food, drink, or tobacco into them.

Workmen shall wash their faces, mouths, and hands before every break in work and before leaving work. The employer shall provide without charge towels and soap and for each workman a separate glass for rinsing the mouth.

(15) Workmen employed in composing, in melting and casting type, in linotyping, in stereotyping, and in finishing and dressing type shall be medically examined every three months by a medical practitioner approved by the State authorities for the purpose.

Persons whom the medical practitioner shall declare unfit shall not be employed in the occupations contemplated in section 1 during such period as may be prescribed by him. The employer shall be bound to employ such persons in some other manner.

All apprentices shall be medically examined before beginning their apprenticeship.

In view of the inadequate and inexact nature of the documentary information available on the extent to which compositors and the operators of typesetting machines are exposed to the danger of poisoning, a fresh investigation shall be undertaken, the results of which shall be laid before the delegates' meeting at Zurich in 1912. (See section 6.)

C. PROTECTION OF HOMEWORKERS FROM INDUSTRIAL POISONS.

The question of the protection of homeworkers from industrial poisons shall be placed upon the agenda of the next delegates' meeting.

D. LIST OF INDUSTRIAL POISONS.

The delegates' meeting takes note of the admirable list of industrial poisons drafted by Prof. Sommerfeld and amended by Dr. Fischer and the com-

mission in the light of practical experience, and expresses its sincere thanks to these two authors.

At the same time the meeting recognizes the absolute impossibility of drawing up a complete list corresponding to industrial conditions for the time being in all countries without the cooperation of the national sections. The bureau is requested to transmit to the sections and to the permanent council of hygiene the list which is now in course of preparation by a subcommission. The sections shall thereupon, with the assistance of their respective Governments, revise and supplement the list by April 1, 1911. The bureau shall then arrange, in agreement with the permanent council of hygiene, for the publication of the list.

X. Work in Compressed Air.

A. WORK IN CAISSONS.

Since the protection of workers in caissons can not be regarded as directly affected by international competition, it is not a subject for international agreement, but at the same time it is expedient for the International Association for Labor Legislation to urge the various Governments to introduce legislation for the protection of caisson workers as has been done in France and Holland. The principles here following should form the basis of such regulations.

Principles for the Regulation of Work in Caissons.

1. The danger to life and health to which persons working in caissons under a high air pressure (from about 1.5 atmospheres in excess of atmospheric pressure) are in general exposed must be regarded as appallingly great.

2. The danger can be reduced to a very considerable extent by the adoption of suitable prophylactic and therapeutic measures. The introduction of such measures consequently forms an important branch of labor legislation.

3. Protective measures can not be expected to succeed unless they are designed on the right lines and strictly carried out. Consequently it is necessary for such regulations to be introduced by State legislation, and enforced by administrative authorities, and for contraventions to be punishable.

4. Regulations for the protection of caisson workers should contain provisions—

(*a*) Requiring the admission of persons to work in caissons to be dependent upon the result of a strict medical examination.

(*b*) Requiring the organization of a regular system of medical supervision on the works and wherever possible a permanent staff of medical officers.

(*c*) Fixing exactly the periods of employment and the manner of locking in and unlocking, according to the depth of the works and the pressure.

(*d*) Prescribing suitable hygienic regulations respecting the air supply in the caisson and air locks, variations of temperature, accommodation for workmen on the works, the conduct of workmen, etc.

(*e*) Prescribing all arrangements necessary for the safety of the workmen.

(*f*) Insuring that suitable appliances for treating persons taken ill—especially a properly fitted up recompression lock—and the necessary staff for attending them shall be available.

(*g*) Requiring a register to be kept on the works, containing the name and forename of every person subject to medical examination, particulars of the result of each examination, and particulars of all cases where medical treatment was given on the works and the results of the same.

B. DIVERS.

Since divers, especially those employed in salvage operations, are liable to be called upon to work in foreign waters or on ships of a different nationality, it seems advisable that their occupation should be regulated by international agreement.

The members of the permanent council of hygiene shall collect from every country the regulations and official and private instructions respecting diving operations.

The International Labor Office shall thereupon transmit copies of these regulations, etc., to the members of the special commission, which shall prepare a report on the subject for the next delegates' meeting.

XI. THE PROTECTION OF RAILWAY SERVANTS AND PREVENTION OF ACCIDENTS: AUTOMATIC COUPLING.

The bureau is instructed to make a further report to the next delegates' meeting regarding the international prevention of accidents and the protection of those employed on railroads and in the carrying trade. The sections are requested to petition their Governments for the introduction of automatic couplers.

XII. WORKMEN'S INSURANCE: EQUAL TREATMENT OF FOREIGN WORKMEN.

(1) The association requests the American section to continue its efforts to secure the passage in the several States of the Union of suitable laws for insurance against sickness and accident, which shall not discriminate against alien workers and thus carry out Resolution IX adopted at Geneva, and Resolution X adopted at Lucerne, and it thanks this section for the initiative which it has taken in this question of the protection of immigrants.

(2) A special commission is appointed with instructions to seek ways and means by which the equal treatment of native and foreign workmen may be guaranteed, not only in respect of insurance against industrial accidents, but also in other departments of social insurance, and to report to the next delegates' meeting.

Resolutions of the Seventh Delegates' Meeting[1] (Zurich, Sept. 10–12, 1912).

1. PUBLICATION OF REPORTS.

The bureau is requested to communicate with the national sections in order to seek means of simplifying and expediting the publication of the reports presented to the delegates' meeting.

2. FINANCES.

I. The delegates' meeting acknowledges with satisfaction the reports of the bureau, the treasurer, and the International Labor Office and thanks them heartily for their activity.

II. The treasurer's accounts, vouchers, and cash have been audited and found correct.

The delegates' meeting wishes to express to the retiring treasurer, Mr. Councillor Wullschleger, cordial appreciation of his past services.

III. The budget for 1912 and 1913 is approved.

[1] See pp. 101–103.

3. Bulletin of the International Labor Office.

The delegates' meeting thanks the British Government most cordially for the subvention granted to the International Labor Office, which has enabled the office to bring out the English Bulletin in the same form as the French and German Bulletins, and to cover the expenses out of the grants from countries using the English edition.

In view of the fact that under present circumstances the English edition must, in the interests of efficiency, be translated and printed in an English-speaking country, the delegates' meeting approves the arrangements made by the bureau in this respect.

The delegates' meeting, nevertheless, hopes to procure considerable increases in the contributions of English-speaking countries towards the International Association and the International Labor Office, by the foundation of new sections, by the support of further Governments, and by increases in existing Government subventions.

4. New National Section.

The delegates' meeting welcomes the foundation of a section in Finland and approves its statutes.

5. Cooperation with Other International Associations.

I. The delegates' meeting instructs the bureau to discuss, with the presidents of the international associations on unemployment and on social insurance, steps to promote social reform, tending to facilitate the work of the three associations serving its ends. The delegates' meeting requests the bureau, in this connection, to see that the autonomy of the International Association for Labor Legislation and the liberty to choose its branches of work and the manner of carrying them out, shall be guaranteed, and that the relations of the national sections with the International Association shall not be interfered with in any respect. The bureau is requested to report to the next delegates' meeting on the result of the negotiations in order that resolutions may be adopted on the matter. But the bureau is authorized to cooperate at once, subject to the above conditions, with the two other associations.

II. The bureau is authorized to enter into relations with the Bureau of International Home Work with a view to coordinating the efforts of the two organizations.

6. Next Delegates' Meeting.

The delegates' meeting resolves that the Eighth Delegates' Meeting shall be held at Bern in 1914.

7. International Conventions.

I. The delegates' meeting ratifies the steps taken by the bureau.

II. The Bureau of the International Association is instructed to thank the Swiss Department of Industry very cordially for the intention they have expressed of recommending to the Swiss Federal Council to convoke, at the request of the association, a second international conference on labor legislation.

III. The Bureau of the International Association is instructed to express to the Spanish Government the thanks of the association for having introduced the legal prohibition of the night work of women.

IV. The delegates' meeting expresses most cordial thanks to the Government of New Zealand and the Union of South Africa for their adhesion to the international convention of Bern respecting the prohibition of the use of white (yellow) phosphorus in the match industry; to the Hungarian Government for the prohibition of white phosphorus in the manufacture of matches; to the Federal Government of the United States for the prohibition of the importation and exportation of poisonous phosphorus matches and the imposition of a prohibitive tax; and to the Government of the Mexican Republic for introducing the prohibition likewise. The association wishes on this occasion to thank the American section again for their zealous work in promoting this legislation.

V. The bureau is instructed to continue their exertions in those countries which have not yet signed the two Bern conventions.

VI. The delegates' meeting requests the bureau to draw the attention of the national sections to the interpretation given in different countries to the Bern conventions. The bureau is recommended to insert in the quarterly reports particulars of information received from the national sections on this matter.

8. The Administration of International Labor Treaties and of Labor Laws.

I. The delegates' meeting invites the national sections which have not yet done so to submit the petition on the reform of official statistics to their Governments.

II. Since article 5 of the international convention of September 26, 1906, respecting the prohibition of the night work of women in industrial occupations, provides that the Governments should exchange through diplomatic channels their periodical reports on the administration of laws and orders concerned with the subject of the convention, it is desirable that these reports should be published by the signatory States in a form such as to make it possible for each of the Governments concerned to compare the standard of administration of the labor treaties in the other signatory States.

III. In view of the fact that it is not possible to give a reply at present to some of the questions contained in Paragraphs II and III of the proposals of the bureau, the delegates' meeting requests the bureau to enter into an agreement directly with the Governments on the subject of the elaboration of uniform statistics which will enable it to publish every four years the comparative report on the administration of labor laws.

With this object the Governments shall be invited to appoint an international commission of statistical experts and inspectors of labor.

IV. The delegates' meeting requests the national sections to endeavor to persuade the Governments to appoint a large number of women inspectors, and to arrange that at least one woman inspector shall be stationed in each center of industry where the employment of women or children is general.

9. Child Labor.

The sections are requested to establish special child labor committees with the duty of—

(*a*) Supplying the information desired in the International Labor Office's questionnaire, and

(*b*) Reporting, on the basis of this information, to the next delegates' meeting on ways and means of carrying out and extending the existing laws for the protection of children.

The bureau shall prepare a comparative survey of these reports and present it to the International Special Commission on Child Labor. This commission shall submit definite proposals to the next delegates' meeting.

10. Saturday Half Holiday.

In view of the fact that a free Saturday afternoon is necessary in order to give working women a real rest on Sundays;

That this institution alone is able to insure to the workers in every week a full day of family life;

That this Saturday half holiday is already introduced wholly or partially for children, young persons, and women, and even for adult workmen in the legislation of the German Empire, the United Kingdom, Greece, the Netherlands, and Switzerland;

That the initiative of the employers' and workmen's associations is endeavoring to promote the extension of the Saturday half holiday in all industrial countries;

The delegates' meeting desires that the Saturday half holiday for women workers and young persons should be made the subject of an international convention; and instructs the subcommission on the maximum 10-hour working day to draw up, in conjunction with the bureau, a report to be laid before the next delegates' meeting.

11. Hours of Labor in Continuous Industries.

I. In view of the resolutions of the Lugano meeting and of the facts presented to the special commission in London, the delegates' meeting is of the opinion that the eight-hour shift in continuous industries (industries working night and day) is the best shift system for such work and should be strongly recommended both from the point of view of the physical and moral welfare of the workers and in the social and economic interest of society generally.

II. The delegates' meeting is of opinion that the reports presented by the different national sections have shown that in the iron and steel industries (blast furnaces, iron and steel works, rolling mills) the eight-hour day is very necessary and is practicable for the shift workers.

The delegates' meeting instructs the bureau to request the Swiss Federal Council to address to the Governments as soon as possible the request to arrange a conference of the interested States with a view to arriving at an international agreement as to the introduction of the eight-hour day for those workers.

III. The delegates' meeting is of opinion that as regards glassworks, the investigations are sufficiently advanced for the conclusion at any rate of an international convention on the basis of a working week of 56 hours on the average with an uninterrupted weekly rest of 24 hours. The bureau is requested to choose the most favorable time for taking steps to this end.

IV. The delegates' meeting is of the opinion that as regards other continuous industries the national sections should by investigations prepare the way for the introduction of the eight-hour day or of a corresponding maximum week.

(*a*) In continuous industries, where the working-day (i. e., hours during which the workmen are required to be present at the works) exceeds 10 hours in 24, or where each set of men works more than six shifts per week.

(*b*) And in those industries (e. g., paper and pulp mills, chemical industries) where conditions seem to be ripe for the introduction of the three-shift system in many countries.

12. Protection of Railway Employees.

I. The bureau is instructed to approach the railway administrations of all countries and request them to complete the tables respecting time on duty, hours of work, night's rest, leave, days of rest.

II. These tables shall then be submitted, together with any other results from inquiries now in progress, to a special commission consisting of seven members. This commission shall report before the next delegates' meeting assembles on—

(*a*) The diversity in the number of accidents among employees of the same class in different countries and if possible on the causes of this diversity.

(*b*) The differences in the organization of the service (time on duty, hours of work, overtime, periods of rest, length of the day of rest, days of leave) and on the causes of these differences as far as they can be ascertained.

(*c*) Institutions for the settlement of disputes, respecting hours of work and wages in the railway service, and their success.

(*d*) The basis of statistics of sickness in the railway service.

III. The special commission shall have authority to institute analogous investigations respecting the conditions of labor of telegraphists (including radio-telegraphists) and telephonists.

13. Protection of Dock Workers.

The bureau is instructed to request the national sections of countries having seaports to make an investigation into the labor conditions of dock workers with special reference to the number of hours worked, and to report before the next delegates' meeting.

When instituting investigations into the hours of work of dock laborers the national sections shall likewise have the duty of considering the question of maximum loads for dock laborers.

14. Hygienic Working-Day.

I. The bureau is instructed to express the thanks of the association to the Governments which have instituted special inquiries into the hours of labor in particularly unhealthy trades, and requests them and other Governments to extend their inquiries to other unhealthy industries which are not mentioned in the list of May, 1912. The supplementary list shall be drawn up by the bureau after consultation with the permanent council of hygiene.

II. A special commission shall be appointed by the bureau in agreement with the national sections and the permanent council of hygiene, with the duty of drawing up a memorial containing particulars of existing legislation, of the hours of labor actually prevailing, and of the accident, sickness, and mortality rates in all trades considered to be dangerous and unhealthy, and also proposals respecting the prohibition of the employment of children, young persons, and women, and the limitation of their hours of labor, and also of those of adult men. This memorial shall be submitted in proof to the next delegates' meeting.

15. Workmen's Holidays.

The national sections are requested to approach their Governments with a petition that they will complete the inquiries into workmen's holidays.

16. Legal Relations Between Employers and Employed.

The delegates' meeting requests the bureau to ask the sections whether and how far they are disposed to draw up a statement of the existing legal prescriptions and customs in their countries which regulate the individual and collective relations between employers and employed both in the course of and outside employment, and to communicate the results to the international labor office.

17. The Truck System and Reductions from Wages.

I. In view of the abuses which have arisen, in a great number of industries, in respect of the use of disciplinary fines and deductions for damages, as well as of the numerous varieties in the truck system (payment in kind, or by means of bonds and tickets to be drawn on the establishment of the employer), of which the general result is to reduce the wages of unskilled workers and women, the delegates' meeting requests the national sections to submit to their respective Governments, in accordance with the spirit of protective legislation already in force, legislative proposals as follows:

(*a*) In all industries, whether carried on in the factory or the home, the payment of wages in kind or by means of bonds payable in the form of goods on sale in establishments conducted by the employers shall be prohibited in principle.

(*b*) The whole system of fines and deductions for damage (the case of willful and malicious damage only excepted) shall be abolished: *Provided*, That, even in the case of malicious damage, the employer shall not be authorized to impose any penalty without the order of the court. Where the complete suppression of deductions does not appear to be immediately possible, such deductions shall neither be established nor exacted except by agreement either with the workpeople concerned, or with their organizations where any such organization exists.

(*c*) Materials (used in the process of manufacture) must be furnished gratuitously by the employer to the factory worker and the home worker alike. In the case of tools supplied to the worker by the employer any charge made by the employer shall be for the cost price only.

The sections are requested to forward by every means in their power the drafting and discussion of bills embodying the desire expressed by the delegates' meeting.

II. In certain countries there exist pension and thrift funds to which workmen and employees are compelled to subscribe. In case of annulment of their engagements for any cause, they lose the rights which they have acquired by the payment of these subscriptions. The delegates' meeting recommends the passing of laws securing to workmen compelled to pay these subscriptions the repayment of all sums contributed by them, should they be dismissed before they have acquired a right to pension.

III. The delegates' meeting requests, in addition, that legislative steps should be taken to remove the abuses which have arisen in connection with the building of workingmen's dwellings erected in order to deprive the workman of the exercise of rights with which legislation has invested him for the protection of his interests.

18. Home Work.

The delegates' meeting declares again most emphatically, in view of the fresh studies and experimental inquiries made during the two years last past, that the miserable condition of a large proportion of the home workers is

caused especially by their absolutely insufficient wages, and that no improvement can be hoped for so long as means are not found to raise wages.

To this end the delegates' meeting recommends again—

I. The organization of home workers in trade-unions and the conclusion of collective wage agreements. The meeting regards the unfettered right of combination as the necessary basis of such collective agreements. In countries where collective agreements are not yet legally recognized under existing law, recognition should be secured in such a manner as to insure their legal validity and their extension when required to home workers in the same occupations who were not originally concerned in the conclusion of the agreement. The delegates' meeting urges the national sections to get into touch with the existing organization of workers with a view to promoting the conclusion of the collective agreements with employers and employers' federations.

II. The adoption by legislation of the principle that wage agreements for insufficient amounts or of an usurious nature should be null and void, and that the conclusion of such agreements should be subject to penalties. The meeting regards this principle as essential, but, at the same time, it recognizes that the difficulties of its application are such as to prevent its adoption from being in any degree a practical solution of the problem.

III. The delegates' meeting believes that any legislation in favor of home workers will be ineffective so long as it is not founded on minimum rates fixed by wages boards constituted according to the following principles:

(1) The board shall be composed of an equal number of employers and employees, chosen generally by the parties or, if this is impossible, by bodies acting on their behalf or, failing these, by the Government.

The president shall not be an employer or an employee and shall be elected by the board. The Government shall appoint him in case of disagreement. He shall have the casting vote.

(2) The minimum wage shall be fixed so that a home worker of ordinary capacity may earn as time wage a sum approximately equal to fair wages paid in factories and workshops where similar trades are carried on in the town or district. The wage must be at least high enough to insure to the worker under normal living conditions sufficient food and healthy housing.

(3) The board shall fix officially the minimum wage and publish it at once.

(4) If possible the board shall establish a scale of minimum wage rates for all the different operations of the trade.

(5) To the amount of wages must be added the cost of tools and materials furnished by the worker, the value of time wasted, etc.

(6) The minimum wage must be paid to the worker net without any deduction in favor of employer or middleman.

(7) If collective agreements exist in a trade, the minimum wage board must endeavor to extend the benefits of such collective agreements to all home workers also.

(8) For operations not included in the scale named under (4) the employer must prove in each particular case coming before the board that the conditions allow the average worker to earn at least the minimum time wage.

Disputes shall be settled by the wages boards.

(9) The board shall establish likewise scales of payment, and if possible minimum wages, for the apprentices in the trade, even where the apprentices are employed in workshops.

(10) Every violation of the law shall constitute a penal offense in each case and in respect of each worker concerned.

(11) Every trade organization and any person interested in the trade and every society qualified for the purpose may inform the board that wages paid

are below the minimum wage fixed for the trade. All such persons or organizations may take legal action.

(12) The minimum wages fixed by the local boards may be reviewed by a central commission of revision acting officially and without delay. This commission may modify and coordinate local decisions. The Governments shall select the members of such commission in equal numbers from the employers and employees composing the local boards.

IV. The delegates' meeting invites the members of Parliament belonging to the International Association to introduce, or cause to be introduced, bills corresponding to the accepted resolution.

The national sections are requested to engage in an energetic campaign in order to convince the public of the necessity of fixing minimum wages for home industries.

19. Machine-Made Swiss Embroidery.

The delegates' meeting still considers it desirable, under the provisions of the Lugano resolutions of 1910, to make uniform regulations for hours of work in the Swiss embroidery home industry, and so far as possible to prohibit night work. But in view of the fact that since the meeting of Lugano progress has been made in the introduction of automatic embroidery machines in factories, and that similar machines will probably be introduced in the next few years to an increasing extent, the delegates' meeting considers it desirable that when regulations are made concerning hours of labor in small establishments, regulations should be made at the same time respecting hours of labor in factories using automatic machines. Such regulation is necessary because automatic machines, since attended by adult men only, may be run unlimited hours, both day and night, although there is no technical reason for such continuous labor; while the other machines, tended by women also, are subject to certain legal limitations as to hours of labor.

The Bureau of the International Association for Labor Legislation is instructed (1) to draw the attention of the countries concerned (Germany, Switzerland, Austria, France, the United States, Italy, Russia) to the danger which threatens the entire embroidery industry as a result of overtime, and even more of the continuous operation of the automatic embroidery machines, and (2) to request the Governments to take steps as soon as possible by means of international agreements, to establish such uniform regulations as shall protect the interests of the embroidery industry.

The bureau is instructed to inform the sections of the different countries, within three months, of the steps it has taken in approaching the Governments with a view to the realization of this object.

20. List of Industrial Poisons.

I. The delegates' meeting expresses its thanks to the authors of the list of industrial poisons, Dr. Sommerfeld and Dr. Fischer, to the Institute of Industrial Hygiene at Frankfort on the Main, and to the member of the permanent council of hygiene who reported on the matter, Dr. Teleky.

II. The delegates' meeting notes with pleasure that the list of industrial poisons has been translated into English, French, Italian, and Finnish and hopes that the other national sections will follow this example.

III. The permanent council of hygiene is requested to undertake a revision of the list of industrial poisons every four years.

21. Lead.

I. PAINTERS AND DECORATORS.

The delegates' meeting, noting with satisfaction that the use of colors containing lead in the painting of the interior of buildings has been prohibited in several countries, requests the national sections to present reports on investigations which have been undertaken in their countries, and in particular on inquiries and experience relating to the use of colors not containing lead in the painting of metal in engineering workshops and similar works.

II. POLYGRAPHIC INDUSTRY.

In view of the inadequacy of the information available respecting the danger of poisoning to which women are exposed when employed in typesetting, whether by hand or by linotypes, the inquiry should be continued.

The French and British sections are requested to undertake inquiries from the hygienic and medical point of view and to present the results to the next delegates' meeting.

III. CERAMIC INDUSTRY.

The national sections are requested to report on the application in their countries of the regulations already presented to the Governments respecting hygienic conditions in the ceramic industry, with a view to the conclusion of an international convention on the restriction of the use of lead in the ceramic industry.

22. Handling of Ferrosilicon.

I. The bureau is instructed to present the following principles to the Governments:

Principles for the Prevention of Risks Involved in the Conveyance of Ferrosilicon.

(1) Ferrosilicon—especially when prepared by the electrical method—gives rise to dangerous gases, in particular phosphureted hydrogen and arseniureted hydrogen, merely by the action of dampness in the air. This causes the risk of poisoning and explosion.

(2) In order to avoid poisoning and explosions, ferrosilicon should be secured against wet and dampness both in storing and transport. The ferrosilicon itself, the packing cases, and packing materials must be dry, that is to say, free from water and also from ice.

(3) Packing cases ought to be water-tight and so durably constructed that they can not be damaged in transport. Unpacked ferrosilicon should only be kept in places secure against wet.

(4) The rooms in which ferrosilicon is stored or transported should be so constructed that they can be thoroughly ventilated and they should always be kept ventilated. In this connection care should be taken to see that the gases given off can not penetrate to living rooms. Such rooms ought consequently to have no connection whatever with rooms in which there is any ferrosilicon, packed or unpacked.

(5) Occupiers or persons who store or transport ferrosilicon should be required not only to adopt the necessary precautionary measures in a suitable manner, but also to instruct persons coming into contact with ferrosilicon as to its dangers.

II. Further inquiries ought to be made into the question of whether ferrosilicon containing less than 30 per cent or more than 70 per cent of silicon involves a risk of poisoning or not, and into the possibility of prohibiting the manufacture of ferrosilicon containing from 30 to 70 per cent of silicon.

23. Principles for the Protection of Persons Employed in Mining, the Construction of Tunnels, Stone Quarries, etc., on an International Basis.

I. ANKYLOSTOMIASIS.

In view of the serious danger caused by ankylostomiasis not only to miners and tunnel workers, but also to the whole working population of certain districts, and of the excellent results obtained by suitable supervision and treatment of the workers, it appears expedient that ankylostomiasis should be checked as soon as possible by means of an international agreement.

The bureau is requested to appoint a subcommission to draw up detailed provisions on the basis of the following principles, and to seek ways and means for bringing about an international agreement on this matter. The principles to be observed are—

(1) Shipping companies conveying emigrant workers from infected countries should be required to undertake the examination of such workers and the treatment of persons affected with the disease.

(2) Persons emigrated from affected areas should undergo medical examination with a view to the detection of ankylostomiasis, before being engaged to work in mines, the construction of tunnels, stone quarries, or brick works.

(3) In mines, tunneling operations, stone quarries, and brick works, a series of measures is necessary, as, for example, the collection and removal in a manner not open to objection, of human refuse (regular and clean sanitary conveniences), the exercise of special cleanliness, dry work places, medical examination, and the provision of medical treatment and suitable remedies.

(4) It is necessary for the medical men intrusted with the examinations and supervision in question to be suitably trained.

II. PROTECTION OF WORKERS IN MINES, TUNNELING OPERATIONS, AND STONE QUARRIES.

The bureau is requested to undertake, in consultation with technical experts in mining in the different countries, a comparative study of legislation for the protection of miners on the basis of the principles drafted by Dr. Fischer, and to submit a memorial on the subject to the next delegates' meeting.

Provisions respecting the protection of workers in tunneling operations, and stone quarries should be prepared in a similar manner, but drawn up separately.

24. The International Prevention of Anthrax Amongst Industrial Workers and of Mercurial Poisoning in Fur Cutting and Hat Making.

The question of anthrax is referred to a subcommission, which shall submit detailed proposals to the next delegates' meeting. In addition, a subcommission shall submit to the next delegates' meeting detailed proposals respecting the prevention of mercurial poisoning in fur cutting and hat making.

25. Work in Caissons.

The delegates' meeting requests the bureau to arrange for the permanent council of hygiene to draw up, with the cooperation of experts, a memorial

respecting the results of experience as regards work in caissons and showing how use may be made of such experience in practice.

This memorial shall be submitted to the next delegates' meeting and afterwards presented to the Governments.

26. Diving Operations.

The delegates' meeting requests the bureau to arrange for the permanent council of hygiene to draw up, with the cooperation of experts, a report on the possibility and desirability of establishing international regulations for diving operations.

27. International Statistics of Morbidity and Mortality Amongst the Working Classes.

I. The bureau is requested to present to the next delegates' meeting, with the cooperation of the national sections and of the permanent council of hygiene, a report on the essential differences in the morbidity and mortality statistics relating to the working classes in the different trades and in the different countries, and to make proposals on the question of how these divergencies can be removed.

II. In addition, the national sections are requested to report not later than July 1, 1913, for the next delegates' meeting, on the methods of compiling, and the present position as regards morbidity and mortality statistics relating to the working classes.

III. The delegates' meeting recommends that the aim of these reports should be especially the establishment of a uniform classification of the causes of death in the different occupations, in order that the Governments may adopt it as the basis of uniform statistics of mortality by trades.

28. Treatment of Foreign Workmen under Insurance Legislation.

I. In connection with the resolutions adopted by the delegates' meeting at Basel (1901 and 1904), Geneva (1906), Lucerne (1908), and Lugano (1910) respecting the treatment of foreign workers under insurance legislation, the delegates' meeting expresses thanks in the first place to the States and Governments which have given effect as far as possible in their national legislation and in international treaties to the principles recommended by the International Association.

The delegates' meeting again requests the American section to continue its efforts to secure the passage in the several States of the Union of suitable laws for insurance against sickness and accident, which shall not discriminate against alien workers and thus carry out Resolution IX adopted at Geneva, and Resolution X adopted at Lucerne, and it thanks this section for its activity in this matter.

II. The Governments represented at the meetings of the association and the national sections are again urgently recommended to see that these principles are developed and extended in sickness, accident, old-age, and invalidity insurance legislation.

The delegates' meeting draws the attention of the national sections and the Governments concerned also to the various systems of maternity insurance. These systems should, as far as possible, fix a uniform period of benefit of eight weeks, and also approximately equal maintenance benefits, in order that, in cases of differences of domicile and country of insurance, it may be easier

to effect a transfer or make over the insurance in pursuance of international agreements.

III. As regards the execution of the wishes expressed under II, the delegates' meeting draws attention especially to the following points:

(1) As regards the benefits paid by insurance institutions to foreigners, no difference should be made between the subjects of a State and foreign workmen in all countries and branches of insurance in which the State does not directly supplement either the premiums or the benefits.

(2) But where the grants are made out of public money, the benefits paid to insured foreigners and their dependents may be reduced in comparison to those paid to subjects of the State at most by an amount corresponding approximately to such grants.

(3) The Governments should take the necessary measures by means of international agreements to render the provisions of No. 2 unnecessary.

(4) It should be made possible by international agreements to settle the claims of insured persons and their dependents living outside the country of insurance by a sum down or by paying the capital value of the benefit to a corresponding insurance institution in their place of residence abroad, or in any other appropriate manner.

IV. Failure to insure foreign workmen in the case of only temporary sojourn and employment in a country, is injurious both to the workmen concerned and also to their country of origin, and involves at the same time a disadvantage to the workers of the country in question on the labor market. The benefits of insurance should therefore be extended to such workmen.

Resolution Respecting the Prohibition of Night Work for Women in Industrial Employment.[1]

At the moment of proceeding to the signature of the convention on the night work of women the delegates of Denmark, Spain, France, Great Britain, Italy, Luxemburg, the Netherlands, Portugal, Sweden, and Switzerland, convinced of the utility of assuring the greatest possible unity to the regulations which will be issued in conformity with the present convention, express the desire that the various questions connected with the said convention which may have been left doubtful by the same, may be, by one or several of the contracting parties, submitted to the consideration of a commission on which each cosignatory State would be represented by a delegate or by a delegate and assistant delegates.

This commission would have a purely consultative character. In no circumstances would it be able to undertake any inquiry into, or to interfere in any way in, the administrative or other acts of the States.

The commission would make a report which would be communicated to the contracting States on the questions submitted to it.

The commission could further be called upon:

1. To give its opinion as to the equivalent provisions, on condition of which the adhesion of extra-European States, as well as possessions, colonies, protectorates, might be accepted in cases where the climate or the condition of the natives may necessitate modifications in the details of the convention.

2. Without prejudice to the initiative of each contracting State to serve as an instrument for a preliminary exchange of views, in cases where the high contracting parties are in agreement, as to the utility of convening new conferences on the subject of the condition of the working classes.

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[1] Attached to the international convention concluded at Bern, Sept. 26, 1906. See ante, pp. 125–132.

The commission would meet at the demand of one of the contracting States, but not more than once a year, except in the case of an agreement between the contracting States for a supplementary meeting owing to exceptional circumstances. It would meet in each of the capitals of the European contracting States successively and in alphabetical order.

It would be understood that the contracting States would reserve to themselves the right of submitting to arbitration, in conformity with article 16 of the convention of The Hague, the questions which may be raised by the convention of to-day's date, even if they had been the subject of an expression of opinion by the commission.

The delegates mentioned above request the Swiss Government (who agree) to be good enough, until the closing of the record of deposit of ratifications of the convention to continue the negotiations for the adhesion to the present resolution of the States whose delegates have not signed it.

This resolution will be converted into a convention by the contracting States, through the agency of the Swiss Government, as soon as it shall have received the concurrence of all the States signatories to the convention.

Bern, September 26, 1906.

Constitution of the American Association for Labor Legislation[1] (Adopted Feb. 15, 1906; Amended Dec. 30, 1907; Dec. 30, 1908; Dec. 29, 1909; Dec. 29, 1910).

ARTICLE I.—NAME.

This society shall be known as the American Association for Labor Legislation.

ARTICLE II.—OBJECTS.

The objects of this association shall be:

1. To serve as the American branch of the International Association for Labor Legislation, the aims of which are stated in the appended article of its statutes.

2. To promote uniformity of labor legislation in the United States.

3. To encourage the study of labor conditions in the United States with a view to promoting desirable labor legislation.

ARTICLE III.—MEMBERSHIP.

Members of the association shall be elected by the executive committee. Eligible to membership are individuals, societies and institutions that adhere to its objects and pay the necessary subscriptions. The minimum annual fees for individuals shall be $3, or $5 if the member wishes to receive the Bulletin of the International Association. In States in which there is a State Association $1 of the dues shall be paid over to the State association. The minimum annual fee for societies and institutions shall be $5, and they shall receive one copy of the Bulletin, and for each $2 subscription an additional copy.

ARTICLE IV.—OFFICERS.

The officers of the association shall be a president, 10 vice presidents, a secretary, and a treasurer. There shall also be a general administrative council consisting of the officers and not less than 25 or more than 100 persons. The general administrative council shall have power to fill vacancies in its own

[1] See p. 95.

ranks and in the list of officers; to appoint an executive committee from among its own members, and such other committees as it shall deem wise; to frame by-laws not inconsistent with this constitution; to choose the delegates of the association to the committee of the International Association; to conduct the business and direct the expenditures of the association. It shall meet at least twice a year. Eight members shall constitute a quorum.

ARTICLE V.—MEETINGS.

The annual meeting and other general meetings of members shall be called by the general administrative council and notice thereof shall be sent to members at least three weeks in advance. Societies and institutions shall be represented by two delegates each. The annual meeting shall elect the officers and other members of the general administrative council.

Members of the general administrative council shall be called by the executive committee. Notice of such meetings shall be sent to members of the council at least three weeks in advance.

Amendments to the constitution, after receiving the approval of the general administrative council, may be adopted at any general meeting. Fifteen members shall constitute a quorum.

BY-LAWS.

1. *Committees.*—The council shall elect an executive committee, as well as committees on finance, legislation, and publicity, and such other committees as occasion may require.

2. *Powers of the executive committee.*—The executive committee shall exercise, subject to the general administrative council, the powers of the council in the intervals between its sessions.

3. *International obligations.*—The executive committee shall choose the members of committees and commissions and the reporters required by votes of the International Association.

Justification of the Principle of the Prohibition of Night Work of Women.[1]

The effects of the prohibition of night work of women, in the countries where it embraces workwomen of every age, have been as follows:

1. The number of women employed, especially of those above 21 years of age, has in general increased. It is true that the improvements in the processes of technical production, which have permitted the use of cheap and unskilled labor, have been a factor in this increase. With regard to women workers as a whole, there is not evident in Great Britain, Germany, Austria, France, Holland, or in the United States any general decrease in opportunities for work. In many instances, on the other hand, woman's labor has replaced child labor, and as a result of the enlargement of a certain number of establishments a more intensive workday has been substituted, in the case of women, for night work.

2. In consequence of this increase of demand, women have not in general suffered a loss in wages, and, on the contrary, the wage has been increased in many cases by reason of greater rapidity and better quality of work.

[1] Publications of the International Association for Labor Legislation, No. 4, pp. 9, 10. Translation from original French. Another translation is found in a typewritten manuscript entitled "Memorial explanatory of the reasons for an international prohibition of night work for women" issued by the Board of the International Association for Labor Legislation.

3. It has been observed that coincident with the prohibition of night work of women in the States in which it has been put into force, there has been a decrease in the death rate both of women and children. The rate of mortality among women has decreased in Great Britain and in Germany more rapidly than the rate of mortality among men.

4. The greater powers of resistance and the better health evidenced among women in the States where night work has been suppressed and where the length of work has been decreased and rest increased have permitted housewives to better perform their domestic duties, the preparation of food, bringing up and care of children, the keeping of the linen in repair and the home in order, etc.

5. It has been established also that neither the prohibition of night work of women nor the limitation of their day work have exercised any appreciable influence on exportation especially in that which concerns manufactured textile products.

Accordingly, then, the prohibition of night work of women is in the first place a measure of public hygiene. It is also necessary to secure, from the States which have not prohibited night work of women, such as Japan, Spain, and some of the States of the United States, the adhesion in principle to the system of prohibiting the night work of women.

As regards the principal States where the prohibition applies only to young workers, it has been established that the night work of women has almost always been actually practiced in certain definite industries, and during periods of full operation on the part of the industries, in a word, that it is not at all the rule. These States should not find any difficulty then, it would seem, in establishing the principle of the prohibition of the night work of all women, subject to necessary exceptions which will be treated later.

Finally, in States where night work has been limited to certain kinds of industry, it should be of interest to obtain, as a transitional provision in the countries which have not yet adopted this measure, the extension of the prohibition of night work to all shops, even if not provided with motor power. The exceptions permitting night work of women in small establishments without motor power, are very harmful to the health of the woman workers. Remembering the difficulties in the way of applying this measure to women working at home, it is necessary to obtain from the various States legal protection at least for all women working in shops.

Only after the prohibition of night work of women in the small shops has been obtained, can the work be continued and a similar prohibition be obtained for home work.

INTERNATIONAL HIGH COMMISSION.

Report of the United States Section of the International High Commission.[1]

SIR: By the first Pan American financial conference, which was held at Washington in May, 1915, with a view to bringing about closer financial and commercial relations between the American Republics and to that end to foster uniformity of law and procedure in such matters, it was recommended that, in order to carry out these great objects, there should be created an International High Commission, a section of which should be established in each

[1] International High Commission, United States Section. H. Doc. 1788, 64th Cong., 2d sess., pp. 5, 6, 23, 24.

country. This recommendation was promptly carried into effect in the countries concerned; and by the act of Congress of February 7, 1916, the United States section was endowed with a legal status. Each section consists of nine members, and is composed of jurists, financiers, and technical administrators.

During the past quarter of a century a great good has been accomplished by means of conferences between the independent countries of America, such as the four international American conferences (Washington, 1889–90; Mexico, 1901–2; Rio de Janeiro, 1906; Buenos Aires, 1910), the conference on the coffee trade (New York, 1902), the customs congress (New York, 1903), and the series of sanitary conferences, the fifth of which was held in Washington in 1905. But in spite of all that had been attained there was a general sense of the need of direct, continuous, sustained effort to improve the financial and economic relations between the Americas and to remove the obstacles which existed in their satisfactory development. To meet this want is the prime object of the International High Commission and its respective national sections.

Students of the history of international cooperation agree that there are three fundamental factors in a successful international union—(1) periodical conferences, (2) an international organ or bureau, (3) an effective means of carrying out the measures adopted. In the relations of the American Republics during the last 25 years the first two elements have not been lacking. The American Governments have repeatedly manifested their willingness to enter into the discussion of their common problems; and in the Pan American Union they have an organ which has, under the wise guidance of the diplomatic representatives of American Republics at Washington, contributed and will continue richly to contribute to the harmony and prosperity of the American nations.

What has been wanting is a persistent and organized effort to carry out the recommendations of the conferences. In contrast with the readiness to sign conventions on technical matters there has been at times some reluctance to ratify them. The United States has occasionally been remiss in this regard, and the members of the United States section of the International High Commission consider it important to urge prompt fulfillment of this duty.

* * * An early meeting of the commission was decided upon for the purpose of determining its modus operandi and of giving the necessary stimulus to useful study. Tentatively, November 1, 1915, was fixed as the date and Buenos Aires as the place, but it was later found necessary to allow more time, and the date was changed to April 3, 1916.

Report of the Sixth Committee.

The topics considered by this committee were proposed by the Uruguayan and Argentine Governments, respectively. With reference to labor legislation, His Excellency Pedro Cosio, the Minister of Finance of Uruguay, pointed out the difficulty in improving the conditions under which productive labor is carried on and urged the need of insuring general knowledge of the principles of labor legislation. In order that America may be the "land of promise" he insisted that it must defend the laborer from excessive hours, unfair wage conditions, and dangerous occupations. The workman and workwoman must be assured, too, that society will not abandon them if they fall sick from overwork nor permit them to be reduced to starving or begging if they arrive at old age in poor circumstances, and, that, finally, society will find sure means of educating them and of aiding and encouraging them in their just and legitimate aspirations.

The commission was impressed by the general desire to cooperate more effectively in protecting and strengthening the laboring population of the Americas. As, however, an international labor convention is not practicable now, the commission could only recommend that each Government enact progressive labor and social welfare legislation and provide for systematic exchange of technical and statistical literature.

The Department of Labor of the United States and similar departments in Latin America might easily exchange all their publications; and the system could be extended so as to include all civic bodies interested. The publication of the Pan American Union will possibly serve to make better known the work accomplished in this field in the United States and in Europe; and legislative and executive commissions, as well as organizations of the character of the American Society for Labor Legislation, will wish to cooperate with the Pan American Union. Thus, those countries whose economic and industrial conditions give sufficient promise of sustained public interest in this subject, may soon avail themselves of the excellent procedure devised by the International Labor Association for the conclusion of international labor agreements.

INTERNATIONAL ASSOCIATION ON UNEMPLOYMENT.[1]

Resolutions Passed by the General Assembly, Ghent, September 5–6, 1913.

1. Labor Exchanges.

The International Association on Unemployment takes note of the following conclusions presented in the general report of Messrs. Zacher and Freund:

I. The actual position as regards employment bureaus is almost everywhere unsatisfactory. The scattered nature of the organizations and the diversity of the methods of administration make it impossible to obtain a clear general view of the situation on the labor market at a given moment, to determine with certainty the number of workers available and the number of vacant places, to establish a rational equilibrium between supply and demand, to draw up useful statistics of the labor market, and to take preventive measures in time against unemployment.

II. In order to fulfill their principal task, which is to prevent unemployment as far as possible by continual observation and the methodical organization of the labor market, systems of employment bureaus ought to satisfy the following principles:

(1) The systematic organization of employment bureaus open to everybody according to territorial divisions (local, provincial, and national bureaus) and taking into consideration the interests of the different trades (lists of trades and occupational groups, etc.);

(2) Unification of the technicalities of administration, using modern means of communication (telephone, telegraph, post, and railways);

(3) Impartiality in the indication of vacancies and in the management of the labor exchanges;

(4) Gratuitous assistance at least for the persons seeking employment;

(5) Methodical organization of the labor market, including working class migrations (according to uniform principles and under the direction of a central office; continuous statistics of the labor market);

[1] Bulletin Trimestrial de l'association internationale pour la lutte contre le chomage, Vol. IV, pp. 456–462. Paris, 1914.

(6) Expenses to be at the charge of the commune (for the local bureaus), of the Province (for the provincial bureaus), and of the State (for the central office and if necessary as regards subventions).

III. In order to realize the reforms specified in Paragraph II, it is desirable to obtain the cooperation of the central administration or the legislature, (1) in order to secure for employment bureaus (or federations of bureaus), which conform to the principles stated in Paragraph II, certain advantages (as regards the use of the telephone, telegraph, post, and railway services, and of public subventions); (2) in order to assist in developing and perfecting the work of the bureaus by requiring them to adopt uniform principles of administration and statistics, and by placing the organization of the system of bureaus entirely under the control of the State;

And (1) adopts the said conclusions and resolves that their realization shall become a part of its program;

(2) Resolves that the mandate of Messrs. Freund and Zacher shall be extended;

(3) Intrusts the several national sections with the duty of urging public bodies to adopt all such reforms as may appear practicable;

(4) Resolves that a report on the results obtained shall be presented to the meeting of 1915.

2. Public Works.

The International Association on Unemployment takes note of the following conclusions presented by Mr. M. W. F. Treub:

A. DISTRIBUTION OF PUBLIC WORKS OVER PERIODS OF TIME.

It is desirable (1) that public bodies, in preparing to give out contracts for work or orders to be put out to tender (*a*) should seriously consider the question whether such works or orders could be deferred until the slack season of the year or to a time, more or less distant, of crisis or of economic depression; (*b*) should reserve, as far as possible and especially in so far as there are no technical objections, the giving out of works and orders which are not urgent, until the slack season of the year, or until years of crisis or of economic depression; (*c*) should study and submit to the competent bodies schemes of works and orders, not being urgent, to cover a not too limited number of years, so that they may be reserved for years when a crisis or economic depression sets in;

(2) That budget laws should be wide enough to allow the public bodies to create reserve funds for the execution of works and orders which are not urgent, in years of crisis or depression;

(3) That in each country a permanent institution should be created to study the symptoms of depression and economic crisis, and that this institution should publish the results of its observations periodically and advise public bodies as regards the choice of dates for putting in hand works or orders held in reserve for years of crisis or depression;

(4) That public bodies should specially undertake works such as the draining of marshes, the reclamation of land, afforestation, improvement of means of communication in countries more or less undeveloped, and other works tending to increase production and the permanent demand for labor, and that they should reserve these works for times when there are no earth works in progress.

B. DISTRIBUTION OF CONTRACTS BY DIFFERENT TRADES.

It is desirable that, as an experiment, public bodies should divide their contracts, as far as is technically possible, according to trades, and that they should apply this system not only as regards maintenance works, but also to new works of construction.

C. POLICY OF LARGE PRIVATE CONCERNS.

It is desirable that the same principles should be acted upon by large private concerns;

And (1) adopts the said conclusions;

(2) Intrusts the national sections with the duty—

(*a*) Of studying what measures are to be recommended in each country.

(*b*) Of urging the public bodies to adopt such reforms as may appear practicable.

(3) Resolves that a report on the results obtained shall be presented to the meeting of 1915.

3. UNEMPLOYMENT INSURANCE.

The International Association on Unemployment takes note of the following conclusions presented by Prof. Fuster:

I. The statements made by the reporters based on experience gained in the United Kingdom and elsewhere lead to the conclusion that there is a general trend of opinion—

(1) Toward compulsory insurance at least for certain trades, with contributions from the employers, the employees, and the public authorities, respectively, supplemented by measures to encourage voluntary insurance;

(2) Toward the view that the principal function of a system of insurance against unemployment should be to find work for insured persons, and that the organization of labor exchanges is essential for such insurance;

(3) Toward the organization of the insurance in cooperation with the trade associations.

II. On the other hand, it is not clear what is the best financial system to adopt for this insurance, since English experience in particular is too recent and has started in a period of too exceptional prosperity to make it possible to express an opinion on its financial effects:

And (1) notes with great interest the deductions which Prof. Fuster has found it possible to make in view of the experience of several countries and particularly of the United Kingdom;

(2) Resolves to extend his mandate and asks him to continue to follow any progress made hereafter;

(3) Draws the attention of the various sections to the report presented by Messrs. Beveridge and Rey in the name of the British section and offers to participate in the financial expense involved in translating this report.

4. MIGRATIONS.

The International Association on Unemployment takes note of the general report presented by M. Louis Varlez, and resolves, in conformity with the conclusions of the said report—

(1) That the association should extend its program to the question of migrations;

(2) That it should begin the study of this question without delay;

(3) That it should propose to the Committee on Social Insurance and to the Association for Labor Legislation that the three associations should begin to investigate this matter jointly;

(4) That a mixed commission, on which the three associations should have equal representation, should be appointed for this object.

5. Statistics.

The International Association on Unemployment—

(1) Approves the following conclusions drafted at Zurich on September 9, 1912, by a joint meeting of the two commissions respectively nominated by the International Statistical Institute and the Association on Unemployment:[1]

I. No adequate conception of the problem of unemployment can be obtained by means of one kind of statistics alone. At present three statistical sources which supplement each other seem to be necessary for the acquisition of a satisfactory knowledge of the subject. These are—

1. The general census of unemployment, which should be facilitated and interpreted by means of local supplementary or independent inquiries;

2. The trade-union statistics of unemployment;

3. Inquiries into the condition of persons employed in industrial undertakings instituted by employers or by the authorities.

II. The general compulsory census, or, still better, occupational or industrial census, is the essential starting point for any attempt to obtain accurate and complete statistics of unemployment in industry and commerce. In certain States, the schedules made out for the recovery of personal taxes may also furnish satisfactory data.

III. Instead of asking whether the person concerned is unemployed, the question on the census paper should be "Were you employed on (date)? For whom did you work?

IV. Persons answering the first question in the negative might be required to give information on the following points on a supplementary form: Cause of unemployment (list of possible causes to be given on the form); exact date when the unemployment commenced; whether the person in question has any subsidiary occupations; whether he has registered himself at a labor exchange and if so at which exchange; whether he is receiving unemployment benefit from a trade-union, a friendly society, or from any other source (source from which benefit is obtained to be clearly stated); length of his residence in the locality.

V. The forms relating to the unemployed should be worked up with the forms filled in by the other workers and should contain all the general information usually required (age, sex, status, industry or occupation, origin, residence, etc.).

VI. Before finally deciding upon the form of questions to be put to the unemployed, it would be advisable to hold experimental inquiries in different towns, which should be held as far as possible under exactly similar conditions as the general census of unemployment. These experimental inquiries should be tested and arranged by an international commission of experts.

VI *bis*. Inquiries of this kind held at industrial centers either regularly or during crises would also be valuable.

VII. It is desirable that the general census should be supplemented by means of local and regional inquiries.

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[1] The definitive wording here published was also adopted by the International Statistical Institute in its Vienna meeting (Sept., 1913).

VII *bis*. Specially valuable information can be obtained from the unemployment insurance office wherever such a system is in force.

VIII. The fluctuations of unemployment and the percentage of persons entirely without employment can best be ascertained from the trade-union unemployment statistics which are collected by most Governments.

IX. It does not at present seem desirable to use the statistics of the number of days in respect of which unemployment benefit has been payable instead of those of the percentage of unemployed members of trade-unions. The former are, however, highly valuable and should be published.

X. Identical forms of questions should be adopted in all countries where inquiries of this kind are to be held and should be sufficiently detailed to allow of the grouping of the unemployed according to occupation and locality.

XI. For the purposes of international statistics it is recommended that instead of merely publishing the comparative figures as at present, the figures for the different industries should be compared separately and the result in the different classes of districts kept separately.

XII. It is recommended that periodic inquiries should be held respecting persons employed in industrial establishments. This is the only way in which reliable data can be obtained as to occupations in which short-time and casual jobs are customary.

XIII. All other sources of statistical information respecting unemployment and even respecting phenomena connected with it must be examined in the future as they have been in the past. The method of collecting this information should be improved in such a way as to yield the most fruitful results for purposes of international comparison. The labor exchange statistics which give information as to the lack of work of unemployed persons up to the date of registration and those relating to the compulsory sickness and invalidity insurance might in future be of great value in this connection. The statistics of migration within each country and of emigration and immigration might also be used with advantage to supplement the unemployment statistics.

And (2) intrusts the bureau, the international committee, and the national sections with the duty of bringing these conclusions into practical operation.

Constitution of the American Section of the International Association on Unemployment.[1]

The purpose as expressed in the by-laws of the Association on Unemployment is—

(A) To assist the International Association in the accomplishment of its task (section 1, subsections 3 and 4, of the statutes of the International Association.

The aim of the association is to coordinate all the efforts made in different countries to combat unemployment.

Among the methods the association proposes to adopt in order to realize its object the following may be specially noticed:

(*a*) The organization of a permanent international office to centralize, classify and hold at the disposition of those interested, the documents relating to the various aspects of the struggle against unemployment in different countries.

(*b*) The organization of periodical international meetings, either public or private.

(*c*) The organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters.

(*d*) The publication of essays and a journal of unemployment.

[1] American Labor Legislation Review, December, 1914, p. 600.

(*e*) Negotiations with private institutions, or the public authorities of each country, with the object of advancing legislation on unemployment, and obtaining comparable statistics or information and possibly agreements or treaties concerning the question of unemployment.

(B) To coordinate the efforts made in America to combat unemployment and its consequences, to organize studies, to give information to the public, and to take the initiative in shaping improved legislation and administration, and practical action in times of urgent need.

INTERNATIONAL CONGRESSES ON HOME WORK.

Resolutions of the First International Congress, Brussels, 1910.[1]

The congress recognizing that legislative intervention is imposed in order to remedy flagrant abuses from which the greater part of home workers suffer, and without prejudice to as great extension as possible of protective labor laws, affirms the unanimity of its members on the following points:

Employers, whether contractors or subcontractors, shall be obliged to register all their employees working at home and to keep open the books containing information relative to wages and descriptions of work; a memorandum duplicating this information shall be sent to all home workers.

Labor inspectors shall be allowed to examine at any time the truthfulness of these documents.

Compulsory mixed committees shall fix, for a restricted period of time, a minimum wage applicable to all regular workers.

The decisions of these boards shall be enforced by penalties.

It shall be possible to appeal from these decisions to a superior board.

The public authorities, after having fixed a standard of healthfulness in the different trades, shall determine the industries which should be regulated from the point of view of hygiene and location and those which ought to be entirely suppressed.

[The following resolution, introduced by a delegate, after some debate on a technical objection was passed by the assembly:]

The First International Congress on Home Work considers that it is desirable that the public authorities should absolutely forbid the work of children under 14 years of age. It expresses the hope that the public authorities will likewise take the necessary steps to insure the education of children up to this age.

Resolutions of the Second International Congress, Zurich, 1912.[2]

Proposed Act to Regulate Paid Home Work.

PART I.—DEFINITION, SCOPE OF THE ACT.

1. The expression "trade-union" shall be deemed to include all trade-unions regardless of whether they are local, district, national, or registered.

The expression "employer" shall include not only the contractor or subcontractor, but also the middleman.

The expressions "workman" and "laborer" shall include persons of both sexes.

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[1] First Congrès International du Travail a Domicile. Reuni a Bruxelles en Septembre, 1910. Compte-rendu des séances. Louvain, 1911. pp. 61, 62.

[2] Second Congrès International du Travail a Domicile. Zurich, 8–9 September, 1912. Rapports et comptes rendus des séances-Bruxelles, 1913. Rapports D, pp. 13–19, 29–34.

A person shall be deemed to be a "home worker" who works under a contract of employment in an industry in which the work is performed elsewhere than in the establishment of the employer.

2. With a view to preventing any legal disputes respecting the scope of this act, the industries to which this act shall apply shall be specified in this section and the administrative authorities shall have power to extend the scope of the act.

PART II.—REGISTRATION OF EMPLOYEES.

3. It shall be unlawful for an employer to give work to be done outside his establishment or the premises appertaining to the same to any person other than a registered workman.

Such registration shall consist of (1) a certificate issued by the communal authority, (2) the register kept by the employer, (3) the employment book issued by the employer.

An employer giving work to be performed outside his establishment or the premises appertaining to the same, or who causes work usually performed by home workers to be done by apprentices in his workshops, shall keep a book, which must be kept up to date, in which shall be set down accurately the names and addresses of the workers and apprentices employed by him, the nature and the amount of work performed by them, the date of the giving out of the materials and the delivery of each article and the wages paid by him per day or at piecework rates in pursuance of the contract. In the event of a middleman being employed, the employer shall also enter his name in the register.

4. The employer shall issue a separate employment book to every person employed by him under the conditions specified in the foregoing section.

The employer shall enter in the employment books all the particulars of work and wages required in pursuance of the foregoing section to be entered in the register.

PART III.—SANITARY PROVISIONS.

Comprised in the resolutions of Section 2 of the congress, under heading "Home Work Inspection" (see p. 115).

PART IV.—WAGES BOARDS.

6. In every locality or group of communes where it appears to be desirable, one or more boards, whose duty it shall be to establish minimum wages, shall be constituted for each industry named in paragraph 2.

The members of the boards shall be elected equally by the employers and adult workmen of both sexes who have either worked in the industries concerned during the preceding year or who have worked in them for at least five years. In the event of either party failing to appoint representatives within the prescribed term, such representatives shall be appointed by the minister concerned. The minister may also appoint one or more representatives of his own to act in a consultative capacity.

7. Provision shall be made for empowering already existing industrial councils to undertake the functions of wages boards provided that they fulfill the foregoing conditions.

8. It shall be the duty of the board to examine every application for the establishment of a minimum wage for work in the industry in respect of which it shall have been constituted. Such application may be sent in by a member of the board, by the inspectors of labor, by the trade-union, or by any party interested.

9. Without awaiting the demand provided for in the previous article [paragraph], the board shall proceed to establish a minimum hourly wage for workmen of average capacity.

For the purpose of making a determination the board shall, in particular, take account of the average minimum wage of workmen of similar capacity employed in the district in question in factories or mills where identical or similar articles are manufactured, augmented by a sum representing the charges which the workman has to pay.

The board shall, for this purpose, be entitled to inspect all pay sheets or pay books, scales of payment, memoranda of payment and rules of employment in use in the department where the occupation is carried on and to consult technical experts.

The minimum wage may vary according to the nature of the work or the different districts within the jurisdiction of the board.[1]

Wherever possible the board shall establish lists of minimum prices for the various processes included in the industry in question.

In the case of operations not contemplated in the lists of prices, it shall rest with the employer to prove in each case coming before the court that the conditions under which the workmen are employed are such as to allow a workman of average capacity to earn the minimum hourly wage.

The board shall also fix the scale of wages and, if possible, a list of minimum prices for apprentices in the industry in question even if the apprenticeship is carried on in the workshops.

Every employer shall be entitled to submit to the board for approval the scale of minimum wages adopted by him for piecework.

The minimum wage so established shall be payable to the workman without any deduction being made in respect to the remuneration of the contractor or subcontractor.

The employer shall be deemed to be liable for the failure of a middleman to pay sufficient wages.

A workman insufficiently paid as aforesaid shall be entitled to recover the remainder of his wages from the employer, any agreement to the contrary notwithstanding. Such action may, in respect of each payment, be taken within three years after the date when the payment in question was made.

10. It shall be lawful for any trade organization or person interested in the trade in question or for any organization authorized to that effect to inform the board that the wages paid are less than the minimum wage prescribed for that industry in question.

Such persons and organizations shall so be entitled to take all legal proceedings contemplated by the law.

The board shall forward such complaints to all the authorities concerned.

11. The determinations of the wages boards shall be published in the manner to be prescribed by the minister concerned.

The said determinations shall have the force of law in the district after the expiration of 30 days from the date of publication, provided that an appeal shall not have been lodged against the same.

The decisions of the wages boards and the orders of the commission of appeal hereinafter described in the section [paragraph] next following shall remain in force for two years from the date of their coming into operation. They shall remain in force for a further period of two years after the expiration of such period, provided that the inspector of labor, a trade-union, or any interested person shall not have made a fresh application to the board.

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[1] This paragraph appears in the English translation but not in the French text.

12. Appeal against the determinations of a wages board may be made by the minister concerned, the chief inspector of labor, a trade-union, or any person interested to the commission of appeal in cases relating to wages (commission d'appel en matière de salaires), which shall be constituted by the minister concerned and composed of persons chosen from among the members of wages boards in such manner that the parties shall be equally represented.

The jurisdiction of the commission of appeal shall extend over the whole country and to all industries represented on the wages boards.

Appeal against a determination of a wages board must be lodged within 30 days from the date of publication of such determination.

The decision of the commission of appeal shall be final.

PART V.—PENALTIES.

13. The contravention of any of the provisions of this act shall be deemed to be a separate offense in every case when such contravention occurs and in respect of each workman affected.

PART VI.—ADDITIONAL SECTION.

14. The social acts, which shall also apply to workers, shall be named in this section (acts relating to contracts of employment, payment of wages, the employment of women and children, compensation in case of accident, Sunday rest, etc.).

Home Work Inspection.

(Resolutions of Section 2 of the Congress.)

I. INQUIRIES.

The hygienic conditions under which home workers live should be studied methodically everywhere by means of official or private inquiries and with the assistance of medical practitioners and schoolmasters. With this end in view, the first object shall be the establishment of lists of home workers in every district.

II. PROTECTION OF HOME WORKERS.

In view of the fact that laws regulating women's work only often have the most disastrous consequences for the women affected, no distinction should be made between the two sexes.

(*a*) All home work in which the home worker is exposed to the risk of any serious form of poisoning should be prohibited;

(*b*) It should be made unlawful for a machine worked by mechanical power to be installed in the work place of any home worker without the previous sanction of the sanitary inspection authority;

(*c*) Efforts should be made to introduce measures respecting the improvement of the hygienic conditions under which home workers are employed and, where possible, requiring that the local authorities shall approve of the hygienic conditions before a home worker may commence work;

(*d*) Efforts should be made to procure the general application of the laws relating to the protection of workers and social insurance and to extend them to apply to home workers.

III. PROTECTION OF CONSUMERS.

The following measures are demanded in the interest of consumers:

(*a*) The prohibition of the manufacture or preparation of foodstuffs and tobacco by home workers;

(*b*) The compulsory notification of contagious diseases;

(*c*) The disinfection of all clothings and materials made by home workers as far as this is possible, and the disinfection of all other products of home work in cases where the home worker or any person living in his dwelling is suffering from any contagious disease;

(*d*) The destruction of infected goods if this is necessary in the interest of the public health.

It is obvious that compensation should be payable in case of depreciation or destruction. Compensation should also be payable to the home worker who is unemployed by reason of the fact that any person living in his dwelling is suffering from a contagious disease.

IV. INSPECTION.

(*a*) A special service of inspectors consisting, in particular, of medical practitioners, working men and women, etc., should be organized. The duties of the present inspectors of labor should be extended to cover the inspection of home work in all countries where it is found to be impossible to create a special service;

(*b*) In order to facilitate the control and the administration of the law for the protection of home workers, the officials should invoke the cooperation of trade-unions and other organizations and of suitable persons, e. g., medical practitioners, teachers, etc.;

(*c*) In the interests of children employed as home workers, a special educational inspection should be instituted extending to all minors so employed.

(*d*) In order to improve the conditions of home workers it is necessary, in addition to promoting special measures, to support all movements for the improvement of the hygienic conditions in which the people live, from the point of view of housing, of a rational diet, and of the struggle against the social evils, such as alcoholism, tuberculosis, ignorance, and so on. Ideas for hygiene should be taught in all schools and especially in trade schools.

HOME WORK AND THE TRADE-UNION MOVEMENT.

(Resolutions of Section 3 of the Congress.)

I. The third section is of the opinion that coordinated and conscientious effort on the part of the legislative branches and of the trade organizations is necessary in order to improve the conditions of home workers from the economic, social, and hygienic point of view.

II. It is of the opinion that the satisfactory application of legislative measures is very difficult without the assistance of a satisfactory trade organization.

III. It is of the opinion that from an international point of view the best method of improving the condition of home workers is by means of strong trade-union organization.

IV. In view of the fact that at the present moment home workers are not organized in every country nor in every industry, the third section voices the following resolutions:

(*a*) That systematic publicity work should be undertaken in order to persuade home workers of the utility of trade organization and to arouse among them a feeling of solidarity.

(*b*) That legal regulation of homework is necessary in every country in order to put a stop to existing evils.

V. (*a*) The third section expresses the hope that such legislation should remove all obstacles to trade organization.

(*b*) That such legislation should invoke the collaboration of the various industrial groups in constituting the wages boards.

(*c*) That such legislation should recognize the legality of collective contracts concluded by industrial groups on behalf of home workers and that such contracts should be applicable ,under conditions to be determined, to all home workers in the industry in question within a given district.

VI. The third section recommends that the industrial organizations should without delay confer with the consumers' leagues and cooperative societies of consumers with a view to improving the conditions of home workers.

HOME WORK AND CONSUMERS' LEAGUES.

(Resolutions of Section 4 of the Congress.)

Organizations of consumers should cooperate in spreading the principles adopted by the congress by means of conferences, press articles, publications, exhibitions, etc.

The national and local publicity committees proposed by M. Verhaegen should contain representatives of the consumers' league. These publicity committees and the various sections of the consumers' leagues should be in constant communication in order that the sections may always have the information required for influencing public opinion in favor of legislative reform by means of press campaigns. Traveling homework exhibitions should be organized in every country, and for this purpose the publicity committees should draw up regulations giving the information required in order to prepare labels explaining each object.

Organizations of consumers should include in the programs of their congresses the question of homework and should discuss in particular the policy and educational methods which should be adopted by them in order to prevent the exploitation of home workers.

The law should allow associations organized for the above purpose, and especially the consumers' leagues, to participate in the administration of the law to the extent of collaborating in the inspection of the shops in the home and in granting them the right, as in the case of the trade unions, to be notified of instances where wages less than the legal minimum prescribed for the trade have been paid, as well as permitting them to undertake such legal proceedings as are contemplated by the law.

GOVERNMENT PROPOSALS FOR THE INTERNATIONAL PROTECTION OF LABOR.

Bill Before French Chamber (1885).[1]

ARTICLE 1. The French Government will reply favorably to the proposals of the Swiss Government concerning international labor legislation.

ART. 2. The French Government will take the initiative concurrently with the Swiss Government in entering as soon as possible into the necessary negotiations with foreign Governments with a view to international labor legislation.

[1] L. Chatelain : La protection internationale ouvrière, p. 19.

ART. 3. This international law shall have as its object:

1. The prohibition of industrial work of children under 14 years of age;

2. The limitation of the work of women and those minors who are especially protected by law;

3. Measures of hygiene, health, and safety in the shops, with the purpose of safeguarding the health, the moral and physical development, and the life of the workers;

4. Protection and insurance against accidents;

5. Inspection of mills, factories, shops, and yards by inspectors one-half of whose number are to be appointed by the minister of public works and one-half chosen by the workers;

6. The establishment for adults of a normal, or at least a maximum, workday;

7. Establishment of a weekly day of rest;

8. The establishment of an international bureau of labor and industrial statistics, charged with studying and proposing the means of extending and codifying international labor legislation.

ART. 4. A committee of 11 members shall be appointed to present a detailed plan of international labor legislation, after having secured the opinion of the different labor organizations of France.

Proposition Before the Reichstag (1886).[1]

Proposal made with the object of having the Reichstag adopt the resolution:

To call upon the Chancellor of the Empire to convoke a conference of the principal industrial States for the purpose of formulating the uniform basis of an international agreement concerning protective labor legislation, an agreement that would establish uniformly for all the States convened—

1. A workday not exceeding 10 hours, whatever the kind of establishment;

2. Prohibition of night work in every kind of establishment with certain exceptions;

3. Prohibition of the work of children under 14 years of age.

Proposals of the Swiss Federal Council (1889).[2]

1. Prohibition of Sunday work;

2. Establishment of a minimum age for admission of children to factories;

3. Establishment of a maximum workday for young workers;

4. Prohibition of the employment of young people and women in operations particularly injurious to health and dangerous;

5. Limitation of night work for young persons and women;

6. Mode of executing the conventions which may be concluded.

Program Proposed by the Swiss Federal Council (1889).[3]

I. PROHIBITION OF SUNDAY WORK.

1. In what measure is there reason for restricting Sunday work?

2. What are the types of establishments or processes of manufacturing for which, by their very nature, the interruption or suspension of work is inadmissible and Sunday work should consequently be permitted?

3. Is it possible to take some measures in these establishments for the purpose of giving Sunday rest to individual workers?

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[1] L. Chatelain: La protection internationale ouvrière, p. 44.
[2] Archives diplomatiques, 1889, vol. 30, p. 78.
[3] Idem, 1890, vol. 33, pp. 372, 373.

II. DETERMINATION OF A MINIMUM AGE FOR ADMISSION OF CHILDREN INTO FACTORIES.

1. Is there reason for the determination of a minimum age for employing children in factories?

2. Should the minimum age be the same in all countries, or on the other hand, should it be determined with regard to the more or less early physical development of the child according to the climatic conditions of the different countries?

3. What should be the minimum age determined in either of these two cases?

4. Can exceptions to the minimum age, once determined, be allowed if the number of workdays is reduced or the workday shortened?

III. DETERMINATION OF THE MAXIMUM WORKDAY FOR YOUNG WORKERS.

1. Is it expedient to determine a maximum workday for young workers?

Ought the hours of compulsory school instruction to be included?

2. Ought this maximum workday to be graded according to the different age groups?

3. Of how many hours of work (with or without actual rest periods) ought the maximum workday to consist in the one or the other case? (See 1 and 2.)

4. Between what hours of the day ought the time of work to be distributed?

IV. PROHIBITION OF EMPLOYMENT OF YOUNG PERSONS AND WOMEN IN OPERATIONS PARTICULARLY INJURIOUS TO HEALTH OR DANGEROUS.

1. Is it necessary to restrict the employment of young persons and women in establishments particularly injurious to health or dangerous?

2. Ought the persons of these two categories to be excluded from these establishments—

Entirely (young persons up to what age?), or partly (young persons up to a certain age? Women at certain times?)?

Or else should the workday of young persons and women in these operations be reduced?

What is the minimum of the requirements to be adopted in the last two cases?

3. What are the operations injurious to health or dangerous, to which the above provisions ought to be applied? (See 1 and 2.)

V. LIMITATION OF NIGHT WORK FOR YOUNG PERSONS AND WOMEN.

1. Ought young persons to be excluded entirely or partially from night work?

To what age should that exclusion extend? Under what conditions can they be partially admitted?

2. Ought women without distinction of age to be excluded from night work?

In case of admission is it advisable to enact certain restrictions by law?

3. What are the hours included within the term night work, or in other words when does night work commence and end?

VI. ENFORCEMENT OF THE PROVISIONS ADOPTED.

1. To what kinds of establishments (mines, factories, shops, etc. are the provisions adopted to be applicable?

2. Should a term be appointed for compliance with the provisions adopted?

3. What are the measures to be taken for the enforcement of the provisions adopted?

4. Ought regularly recurring conferences of delegates from the participating States to be provided for?

5. What tasks ought to be assigned to these conferences?

Resolutions of Conference of Berlin (1890).

I. Regulation of Work in Mines.

It is desirable (1) that the lower age limit at which children can be admitted to underground works in mines shall be progressively raised, in proportion, as circumstances will allow it, to the age of 14; in southern countries that limit shall be fixed at 12.

Underground work is forbidden to persons of the feminine sex.

2. In case the character of the mine does not permit the removal of all dangers to health, arising from conditions natural or incidental to the operation of certain mines or of certain mine workings, the length of the working-day must be limited.

To each nation is left the task of attaining this object by legislative or administrative measures, or by agreement between the operators and workers, or in any other way in accordance with the principles and practice of each nation.

3. A. That the safety of the workers and the healthfulness of the work shall be assured by every means at the disposal of science, and placed under State supervision.

B. That the engineers charged with the direction of the operations shall be exclusively men of experience and duly attested technical competence.

C. That the relations between the mine workers and the mining engineers shall be as direct as possible so as to possess the character of mutual confidence and respect.

D. That mutual benefit societies shall be organized conformably to the usages of each country, designed to insure the mine worker and his family against disease, accidents, old age, and death; that institutions which can better the lot of the miner and attach him to his profession shall be developed more and more.

E. That efforts toward the prevention of strikes may be made with the object of guaranteeing the continuity of coal production.

Experience tends to prove that the best preventive measure is that by which employers and miners agree to arbitrate in every case where differences can not be settled by a direct agreement.

II. Regulation of Sunday Work.

It is desirable, subject to necessary exceptions and delays in each country, that a weekly day of rest be assured to persons to whom this protective legislation applies; that a day of rest be assured to all industrial workers; that this day of rest shall fall on Sunday for persons to whom the protective legislation applies.

Exceptions may be allowed for establishments which require continuity of production for technical reasons, or which furnish to the public objects of prime necessity which must be manufactured daily, also to establishments which, by their nature, can function only in fixed seasons, or which depend upon the irregular action of natural forces.

It is desirable that, even in the establishments of this class, each laborer shall have one free Sunday in two.

In order that the exceptions may be determined from similar points of view, it is desirable that the different Governments agree on the manner of regulation.

III. Regulation of Child Labor.

It is desirable that children of both sexes, under a certain age, shall be excluded from work in industrial establishments; that this limit shall be fixed at 12 years, except for southern countries, where the limit may be 10 years; that these limits shall be the same for all industrial establishments without discrimination; that the children shall have first satisfied requirements of elementary instruction; that children under 14 years shall work neither at night nor on Sunday; that their actual work shall not exceed six hours per day and shall be broken by a rest of at least one-half hour; that children shall be excluded from unhealthy or dangerous occupations, or else be admitted only under certain protective conditions.

IV. Regulation of the Work of Young Persons.

It is desirable that young workers of both sexes between 14 and 16 years of age shall not work either at night or on Sunday; that their actual work shall not exceed 10 hours per day and shall be broken by a rest of at least one and one-half hours' duration; that exceptions shall be permitted for certain industries.

That restrictions shall be provided for operations particularly unhealthful or dangerous.

That protection shall be assured to young boys between 16 and 18 years of age in regard to the maximum workday, night work, Sunday work, and employment in occupations particularly unhealthful or dangerous.

V. Regulation of Women's Work.

It is desirable that girls and women shall not work at night.

That their actual work shall not exceed 11 hours during the day and shall be interrupted by a rest of at least one and one-half hours' duration.

That exceptions shall be permitted in certain industries and that restrictions shall be provided for occupations particularly unhealthful or dangerous.

That lying-in women shall not be admitted to work within four weeks after their delivery.

VI. Enforcement of the Provisions Adopted by the Conference.

In cases where the Governments wish to give effect to the acts of the conference, the following provisions are recommended:

That the enforcement of the measures undertaken in each State shall be supervised by a sufficient number of specially qualified officials appointed by the Government and independent of both the employers and the workers.

The annual reports of these officials, published by the Governments of the different countries, shall be communicated to the other Governments. Each State shall publish periodically, in so far as possible in similar form, statistical abstracts.

Respecting the questions indorsed in the deliberations of the conference, the participating States shall exchange the statistical abstracts bearing on those questions, as well as the text of the regulations promulgated by legislative or administrative action and having reference to the questions indorsed at the conference.

It is desirable that another conference of the States shall take place in the future, and that the States shall then communicate to each other the experience gained as a result of the present conference so that opportunity may be given to modify or supplement them.

The undersigned submit these resolutions to their respective Governments, subject to the reservations and with the observations made in the sessions of the 27th and 28th of March and recorded in the minutes of those sessions.

Proposition Concerning the Organization of a Permanent International Commission Made by Great Britain at International Conference at Bern, 1906.[1]

The high contracting parties agree to create a commission charged with looking after the execution of the provisions of the present convention.

This commission shall be composed of delegates of the different contracting States. The first meeting will take place at ———; the commission chooses its president and the place of its next meeting.

Each of the high contracting parties shall be represented on the commission by one delegate or by a delegate and associate delegates (*délégués adjoints*).

Austria and Hungary shall be considered as separate contracting parties.

The commission is charged with giving advice upon disputed questions and complaints which shall be submitted to it.

It shall have power of investigation and examination only. Upon all questions and complaints which shall be submitted to it, it shall make a report which shall be communicated to the interested States.

As a last resort a disputed question shall, upon the demand of one of the high contracting parties, be submitted to arbitration.

In case the high contracting parties wish to call a conference upon the subject of labor conditions, the commission will undertake to prepare the program and shall serve as the medium for the exchange of preliminary views.

Proposition Concerning the Organization of a Permanent International Commission Made by French and Swiss Delegations at International Conference at Bern, 1906.[2]

In order to secure the greatest possible unity in the regulations which shall be promulgated in conformity with the present convention, the different questions relating to the said convention which are left in doubt by it could be submitted, by one or several of the contracting parties, to the consideration of a commission upon which each signatory State would be represented by one delegate or a delegate and associate delegates (*délégués adjoints*).

This commission shall have a purely consultative character. In no case will it be able to carry on any investigation or interfere in any way with the acts, administrative or otherwise, of the States.

It shall make a report upon questions submitted to it, which shall be transmitted to the contracting States.

This commission can, besides, be called upon—

1. To give advice upon equivalent conditions upon which the adhesions of States outside of Europe could be accepted, such as possessions, colonies, protectorates, when the climate or the condition of the natives shall require modification of details of the convention.

2. To serve as the medium for the exchange of preliminary opinions in case the high contracting parties agree upon the necessity of meeting for new conferences upon the subject of labor conditions.

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[1] Actes de la conférénce diplomatique pour la protection ouvrière, 1906, pp. 77, 78.
[2] Idem, pp. 106, 107.

The commission will meet at the request of one of the contracting States but not more than once a year except by agreement between the contracting States for an additional meeting because of exceptional circumstances. It shall meet in each of the capitals of the contracting States in Europe in alphabetical order. * * *

The high contracting parties reserve the right to submit to arbitration in accordance with article 16 of the Hague Convention the questions raised by the present convention even if they have been the subject of a decision of the commission provided for by the article.

Final Protocol of the International Conference on Labor Legislation,[1] Bern, September 25, 1913.

I. PRINCIPLES FOR AN INTERNATIONAL CONVENTION RESPECTING THE PROHIBITION OF NIGHT WORK FOR YOUNG PERSONS EMPLOYED IN INDUSTRIAL OCCUPATIONS.

(1) Night work in industrial occupations shall be prohibited for young persons under the age of 16 years.

The prohibition shall be absolute in all cases up to the age of 14 years.

The present convention shall apply to all industrial undertakings where more than 10 persons are employed; it shall not apply in any case to undertakings where only members of the family are employed.

It shall be the duty of each of the contracting States to define the meaning of "industrial undertakings." Mines and quarries and industries for the manufacture and transformation of materials shall, in all cases, be included in this definition; as regards the latter point, the limit between industry on the one hand, and agriculture and commerce on the other, shall be defined by national legislation.

(2) The night's rest contemplated in article 1 shall have a duration of at least 11 consecutive hours. In all the contracting States these 11 hours must include the period between 10 p. m. and 5 a. m.

In coal and lignite mines it shall be permissible to vary the hours of rest contemplated in the first paragraph, provided that the interval between two periods of work habitually lasts 15 hours, and in all cases 13 hours at least.

The period from 10 p. m. to 5 a. m. contemplated in the first paragraph may, in the case of the bakery industry, be replaced by the period from 9 p. m. to 4 a. m. in those States where night work is prohibited by national legislation for all workers engaged in this industry.

(3) The prohibition of night work may be suspended for young workers over 14 years of age—

(*a*) If the interest of the State or any other public interest absolutely demands it.

(*b*) In case of "force majeure" where there occurs in an undertaking an interruption of manufacture which it was impossible to foresee and not being of a periodical character.

(4) The provisions of this convention shall apply to girls under 16 years of age wherever these provisions afford more extensive protection than those of the convention of September 26, 1906.

(5) In extra-European States, as well as in colonies, possessions, or protectorates, when the climate or the condition of the native population shall require it, the period of the uninterrupted night's rest may be shorter than the minimum of 11 hours laid down in the present convention, provided that compensatory rests are accorded during the day.

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[1] See pp. 134–137.

(6) The present convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for bringing into force the prohibition of the night work of young persons over 14 years of age in industrial occupations shall be increased to 10 years—

(*a*) In glass works, for persons employed before the melting, annealing, and reheating furnaces.

(*b*) In rolling mills and forges where iron and steel are worked up with continuous furnaces, for the workers engaged in occupations directly connected with the furnaces.

In both cases, however, on condition that the night employment shall only be permitted in work of a kind to promote the industrial development of the young workers and which presents no particular danger to their life or health.

II. PRINCIPLES FOR AN INTERNATIONAL CONVENTION TO FIX THE WORKING-DAY FOR WOMEN AND YOUNG PERSONS EMPLOYED IN INDUSTRIAL OCCUPATIONS.

(1) The maximum period of employment in industrial occupations of women without distinction of age and of young persons up to the age of 16 years shall, subject to the exceptions hereafter mentioned, be 10 hours a day.

The working-day may also be limited by fixing a maximum of 60 hours per working week, with a daily maximum of 10½ hours.

The present convention shall apply to all industrial undertakings where more than 10 persons are employed; it shall not apply in any case to undertakings where only members of the family are employed.

It shall be the duty of each of the contracting States to define the meaning of "industrial undertakings." Mines and quarries and industries for the manufacture and transformation of materials shall in all cases be included in this definition; as regards the latter point, the limit between industry, on the one hand, and agriculture and commerce on the other, shall be defined by national legislation.

(2) The hours of work shall be interrupted by one or more breaks, the regulations of which shall be left to national legislation, subject to two conditions, namely:

Where the daily period of employment does not exceed six hours, no break shall be compulsory.

Where the daily period of employment exceeds this limit, a break of at least half an hour shall be prescribed during or immediately after the first six hours' work.

(3) Subject to the reservations specified in article 4, the maximum period of employment may be extended by overtime—

(*a*) If the interest of the State or any other public interest absolutely demands it.

(*b*) In case of "force majeure" where there occurs in an undertaking an interruption of manufacture which it was impossible to foresee and not being of a periodical character.

(*c*) In cases where the work is concerned either with raw materials or materials in course of treatment which are susceptible to very rapid deterioration, when such overtime is necessary to preserve these materials from certain loss.

(*d*) In industries subject to seasonal influences.

(*e*) In exceptional circumstances for all undertakings.

(4) The total hours of work, including overtime, shall not exceed 12 hours a day, except in factories for the preserving of fish, vegetables, and fruit.

Overtime shall not exceed a total of 140 hours per calendar year. It may extend to 180 hours in the manufacture of bricks, tiles, men's, women's, and children's clothing, articles of fashion, feather articles, and artificial flowers, and in factories for the preserving of fish, vegetables, and fruit.

It shall not be permissible, in any case, to extend the working-day for young workers of either sex under 16 years of age.

This article shall not apply in the cases contemplated in (*a*) and (*b*) of article 3.

(5) This convention shall come into force two years after the date on which the record of deposit is closed.

The time limit for bringing it into force shall be extended—

(*a*) From two to seven years in the manufacture of raw sugar from beet root, and of machine-made embroidery, and in the spinning and weaving of textile materials.

(*b*) From two to seven years in States where the legal duration of the working-day for women, without distinction of age, and for young persons employed in industrial occupations still amounts to 11 hours, provided that, except as regards the exemptions contemplated in the preceding articles [paragraphs], the period of employment shall not exceed 11 hours a day and 63 hours a week.

Drawn up at Bern on September 25, 1913, in one copy, which shall be deposited in the Swiss Federal archives and a certified copy of which shall be presented through the diplomatic channel to each of the Governments represented at the conference.

SERIES OF BULLETINS PUBLISHED BY THE BUREAU OF LABOR STATISTICS:

[*The publication of the annual and special reports and of the bimonthly bulletin was discontinued in July, 1912, and since that time a bulletin has been published at irregular intervals. Each number contains matter devoted to one of a series of general subjects. These bulletins are numbered consecutively beginning with No. 101, and up to No. 236 they also carry consecutive numbers under each series. Beginning with No. 237 the serial numbering has been discontinued. A list of the series is given below. Under each is grouped all the bulletins which contain material relating to the subject matter of that series. A list of the reports and bulletins of the bureau issued prior to July 1, 1912, will be furnished on application.*]

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Bul. 149. Wholesale prices, 1890 to 1913.
Bul. 173. Index numbers of wholesale prices in the United States and foreign countries.
Bul. 181. Wholesale prices, 1890 to 1914.
Bul. 200. Wholesale prices, 1890 to 1915.
Bul. 226. Wholesale prices, 1890 to 1916.

Retail Prices and Cost of Living.

Bul. 105. Retail prices, 1890 to 1911: Part I.
Retail prices, 1890 to 1911: Part II—General tables.
Bul. 106. Retail prices, 1890 to June, 1912: Part I.
Retail prices, 1890 to June, 1912: Part II—General tables.
Bul. 108. Retail prices, 1890 to August, 1912.
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Bul. 115. Retail prices, 1890 to February, 1913.
Bul. 121. Sugar prices, from refiner to consumer.
Bul. 125. Retail prices, 1890 to April, 1913.
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Bul. 132. Retail prices, 1890 to June, 1913.
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Bul. 131. Union scale of wages and hours of labor, 1907 to 1912.
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