Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at [http://about.jstor.org/participate-jstor/individuals/early-journal-content](http://about.jstor.org/participate-jstor/individuals/early-journal-content).

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.
Done in duplicate at the City of Washington, this 21st day of May, one thousand nine hundred and six.

ELIHU ROOT [seal.]
JOAQUIN D CASASUS [seal.]

Extradition treaty between Mexico and Guatemala,¹ signed May 19, 1894.

His Excellency the President of the United States of Mexico and his Excellency the President of Guatemala, having agreed to provide for the extradition of criminals by means of a Convention, have named their Plenipotentiaries for that purpose, that is to say:

His Excellency the President of the United States of Mexico, Señor Licenciado Don José F. Godoy, his Chargé d'Affaires ad interim in Guatemala;

His Excellency the President of Guatemala, Señor Doctor Don Ramon A. Salazar, Secretary of State for Foreign Affairs;

Who, after having exchanged their full powers, have agreed upon the following Articles:

ART. I. The Mexican Government and that of Guatemala engage to deliver up to each other, at the request which one of the two Governments may make to the other, with the sole exception of its own subjects, those persons accused or convicted by the competent authorities of the country in which the offence may be committed, as authors or accomplices of the crimes and offences enumerated in Article II of this Convention, who shall be found within the territory of the other Contracting State. Nevertheless, when the crime or offence which may give rise to the requisition for extradition shall have been committed without the territory of the two Contracting Parties, such requisition may be acted upon, provided that the laws of the country applied to authorize the prosecution of such offences committed without its territory.

II. The crimes and offences comprehended by the preceding Article are —

1. Assassination.
2. Poisoning.
3. Parricide.
4. Infanticide.
5. Manslaughter.

¹ British and Foreign State Papers, vol. 86, page 555.
6. Violation and rape.
7. Arson.
8. Alteration or falsification of documents or public credit, bank notes or public or private securities, issuing or bringing into circulation of such counterfeit or falsified documents, bank notes, or securities, falsification by means of manuscript or of telegraphic messages, and making use of such counterfeit, manufactured, or falsified messages, documents of credit, bank notes, or securities.
9. Making false money, including counterfeiting and alteration; issue and bringing into circulation of counterfeit or altered money; as also fraud in the selection of samples for the trial of the fineness and weight of coins.
10. Perjury and false declarations of experts or interpreters.
11. Attempts against the liberty of the subject and violation of domicile, committed by private individuals.
12. Robbery, extortion, fraud, exactions, or misappropriation, committed by public functionaries.
13. Fraudulent bankruptcies and frauds connected with failures.
15. Threats, of acts punishable by the criminal laws, against the person or property; offers or proposals to commit a crime or to take part in it, or acceptance of such offers or proposals.
17. Bigamy.
18. Stealing, receiving, concealment, substitution, or
19. Exposing or abandoning children.
21. Indecent assault, with violence.
22. Indecent assault, committed without violence on the person, or with the aid of the person, of a child of either sex under 14 years of age.
23. Attempts against morals, inciting, aiding or abetting, habitually, for the gratification of the passions of third parties, the licentiousness or corruption of minors of either sex.
24. Wilful and premeditated assault and wounding, whether occasioning death or incurable injury, or permanent incapacity for work, or resulting in serious mutilation, or the amputation, or the loss of the use of a member, or blindness or loss of the complete use of an organ.
25. Abuse of confidence and imposition.
26. Subornation of witnesses, experts, or interpreters.
27. Perjury.
28. Alteration or falsification of seals, stamps, punches, or marks; use of counterfeit or falsified seals, stamps, punches, or marks, and improper use of true seals, stamps, punches, transport coupons, postals seals, and marks.
29. Corruption of public functionaries.
30. Destruction of a railway line, interference with the running of trains, with the object of occasioning either the death or the injury of the passengers.
31. Destruction of steam-engine constructions, or telegraphic apparatus.
32. Destruction or damaging of sepulchres, monuments, objects of art, deeds, documents, registers, and other papers.
33. Destruction, damaging, or injury of goods, merchantize, and other movable property.
34. Destruction or devastation of crops, plantations, trees, or grafts.
35. Destruction of agricultural implements, and destruction or poisoning of cattle and other animals.
36. Opposition to the making or execution of public works.
37. Barratry and piracy, comprising both the seizing of a vessel by persons belonging to its crew, by means of fraud or violence towards the captain or whoever may represent him; and the abandoning of the vessel by the captain, except in those cases provided for by the law.
38. Attack on or resistance to the captain by the crew of a vessel, accompanied by acts of violence by more than one-third of the crew, refusal to obey the orders of the captain or mate, for the saving of the ship or cargo, with blows and wounding, plot against the safety, liberty, or authority of the captain.
39. Receiving of articles acquired by means of any of the crimes or offences specified in the present Convention.

Attempts to commit the foregoing, when punishable according to the laws of the two contracting countries, are comprehended in the above-mentioned provisions. In all cases, extradition shall only take place for criminal acts which may be punishable in the country applied to by a penalty of not less than one year's imprisonment.

III. The requisition for extradition shall always be made through the diplomatic channel.

IV. Extradition shall be granted by virtue of the presentation, either of the original or certified copy of the decision or sentence of condemnation, or of the warrant of arrest, or of any other order having the same force, provided that it contains an exact description of the act for which
it has been issued. These documents shall be accompanied by a copy of
the test of the Law applicable to the alleged offence, and, if possible, by
the record of the individual claimed.

V. In urgent cases the provisional arrest shall be effected on the
receipt of notice, sent by post or telegraph, of the existence of a warrant
of arrest; on condition, nevertheless, that this notice be given in due
form, through the diplomatic channel, to the Minister of Foreign Affairs
of the country applied to. The provisional arrest shall take place in the
manner and according to the regulations established by the laws of the
Government applied to; and shall cease to be effective if, at the expira-
tion of three months reckoned from the time it was effected, the accused
be not shown one of the documents referred to in Article IV of the
present Convention.

VI. The extradition shall not take place if it is applied for on account
of an offence for which the person claimed has already been convicted,
declared innocent or acquitted in the country of the Government applied
to.

If the person should be proceeded against or convicted in the country
in which he is found, his extradition shall be deferred until the abandon-
ment of the prosecution, the declaration of his innocence or acquittal,
or the time when he has served his sentence.

In the event of his being prosecuted or detained in the same country
on account of liabilities contracted with private individuals, his extradi-
tion shall take place, notwithstanding the injured parties being at liberty
to enforce their right before the competent authority.

VII. When the same person is claimed at the same time by several
States, the State applied to is at liberty to decide to which country he
shall be handed over.

VIII. A fugitive criminal shall not be surrendered if the offence in
respect of which his surrender is demanded is one of a political character,
or if the President of the nation where he is found believes that, although
extradition is applied for in respect to an ordinary offence, the real
object is to punish a political offense; in such case the President is not
obliged to state the reasons for his refusal.

Attempts against the person of the Head of a foreign State or against
a member of his family, when such attempts are of the nature of homo-
cide, assassination, or poisoning, shall not be considered as political
offences or as acts in the nature of such offences.

IX. The person surrendered can in no case be prosecuted or punished
in the State in which the extradition has been granted, nor be handed
over to a third State, for any crime or offence not provided for in the present Convention and previous to his extradition, until he has had in either case the opportunity of leaving the before-mentioned country during three months after his trial, or, in case of conviction, after having served his sentence or having been pardoned.

Neither can he be prosecuted or punished on account of a crime or offence provided for in the present Convention and previous to his extradition, but distinct from that which caused the latter, except with the consent of the Government that granted it, which may, if it thinks proper, require the production of one of the documents in Article IV of the present Convention. The consent of this Government shall be equally necessary to permit the extradition of the accused to a third country. Nevertheless, such consent shall not be necessary when the accused of his own accord asks to be tried or to serve his sentence, or when he has not, within the period above mentioned, left the territory of the country to which he was handed over.

X. Extradition shall be refused if, in accordance with the laws of the country in which the accused is found, exemption from punishment or prosecution is acquired from lapse of time, to be reckoned from the date of the alleged acts, or from the date of prosecution or conviction.

XI. When grounds exist for granting extradition, all articles seized which might serve to prove the crime or offence, as well as the stolen goods, shall, according to the judgment of the competent authority, be handed over to the demanding State, both when extradition is effected, the accused being arrested, and when it is impossible to effect the same, through the fresh escape or death of the prisoner. This delivery shall also comprise any articles the accused may have hidden or deposited in the country and which are subsequently discovered.

The rights of third parties, not implicated in the prosecution, who may have acquired any articles mentioned in the present Article, shall not be affected.

XII. The expenses incurred in the arrest, detention, custody, food, and travelling expenses of the person whose extradition is granted, as also the cost of transport of the objects mentioned in the preceding Article, shall be borne by the Government applying for the extradition.

XIII. It is formally stipulated that the extradition, by way of transit through the respective territories of the Contracting States, of a person who does not belong to the country through which he is passing, shall be granted on the mere presentation of the original or a certified copy of one of the documents mentioned in Article IV above quoted,
provided that the act which forms the basis for the extradition is comprised in the present Convention, and is not included in the provisions of Articles VIII and IX.

XIV. When in the prosecution of a non-political criminal case one of the Governments considers the examination of witnesses residing in the other State to be necessary, it shall send a request to that effect through the diplomatic channel; and the competent authorities shall carry out the same according to the laws of the country in which the examination of witnesses is held. Both Governments renounce all claim having for object the reimbursement of expenses resulting from the fulfilment of such requests, except in the case of the examination of experts in criminal, commercial, or medical-legal cases, which may require several days to carry out.

XV. When in a non-political criminal case the notification of any proceedings or of a sentence issued by the authority of one of the contracting countries has to be made to a person residing in the other country, the document forwarded through the diplomatic channel shall be notified to him personally by direction of the Public Prosecutor’s office of his place of residence, through the competent authority, and the original indorsed with a duly legalized Minute of such notification shall be returned through the same channel to the demanding Government.

XVI. When in a non-political criminal case the personal appearance of a witness, is needed, the Government of the country where the latter is residing shall request him to appear where he is summoned. If the witness consents to proceed, he shall be at once furnished with the passport that may be necessary, and his travelling and living expenses shall be given to him, according to the current tariffs and regulations, by the country in which the examination is to take place. No witness of whatsoever nationality who, summoned by one of the two countries, shall voluntarily appear before the Courts of the other, can be prosecuted or arrested for previous criminal or correctional acts or convictions, nor for alleged complicity in the acts which form the subject of the case in which he figures as witness.

When, in any non-political criminal case commenced in either of the two countries, the presentation of proof or judicial documents is considered expedient, the request for the same made through the diplomatic channel shall be complied with, except where special considerations prevent it, on condition of the return of such documents.

The Contracting Governments renounce all claim for all expenses occasioned within the limits of their respective territories for the dispatch and return of proofs and documents.
XVII. The two Governments oblige themselves to communicate reciprocally to each other the convictions for crimes and offences of all kinds which may be given by the Courts of one State against the citizens of the other. Such communications shall be effected by means of the dispatch, through the diplomatic channel, of a bulletin or an extract of the sentence pronounced to the Government of the country to which the criminal belongs. Each of the two Governments shall give the necessary instructions to the competent authorities on this point.

XVIII. The present Convention shall be for five years, counted from the date of the exchange of the ratifications; it shall come into force three months after the date of such exchange of ratifications, and shall remain in force until one year from the day on which one of the two Governments may declare its wish to abrogate it.

It shall be ratified, and the ratifications exchanged, as soon as possible, in the city of Guatemala.

In witness whereof the respective Plenipotentiaries have signed and set their respective seals.

Done in the city of Guatemala, in two originals, the 19th day of May, 1894.

[L. S.] Ramon A. Salazar.

---

Treaty of Arbitration concluded between Argentina and Chile, signed May, 28, 1902.

No. 1.

PRELIMINARY PROTOCOL.

[Translation.]

The Minister for Foreign Affairs, Don José Francisco Vergara Donoso, and Don José A. Terry, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic, having met together at the Ministry for Foreign Affairs of Chile, with a view to settling the rules for deciding differences of any kind whatsoever which might tend to disturb the good relations existing between the two countries, and thereby consolidating the peace maintained up to the present, notwithstanding periodical

1 Translation in ed. 2739, presented to House of Commons.