

vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud, or by violence, taking possession of such vessel.

6. Burglary, defined to be the act of breaking and entering into the house of another in the night time, with intent to commit a felony therein.

7. The act of breaking into and entering public offices, or the offices, of banks, banking houses, savings banks, trust companies or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

8. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

9. Forgery or the utterance of forged papers.

10. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, or other instruments of public credit; of counterfeit seals, bank-notes, stamps, dies and marks of State or public administration, and the utterance, circulation or fraudulent use of any of the above mentioned objects.

12. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

13. Embezzlement or malversation of public funds committed within the jurisdiction of either party by public officers or depositaries.

14. Embezzlement of funds of a bank of deposit, or savings bank, or trust company, chartered under the laws.

15. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person, or persons, in order to exact money from them for their ransom or for any other unlawful end.

17. Mayhem and any other wilful mutilation causing disability or death.

18. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

19. Obtaining by threats, or injury, or by false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, money, of the value of at least twenty-five dollars, or receiving stolen property, of that value knowing it to be stolen.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated; when such attempt is punishable with prison or other corporal penalty by the laws of both contracting parties.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above

enumerated, when such attempt is punishable with imprisonment or other corporal penalty by the laws of both contracting parties.

IV. That the demanding State present document which according to its laws, authorize the provisional arrest and the legal commitment of the offender.

V. That either the offense or penalty has not prescribed in conformity with the respective laws of both countries.

VI. That the offender, if already sentenced, has not served his sentence.

Art. 2. Extradition shall not be granted for political offenses or for deeds connected therewith. There shall not be considered as political offenses acts which may be classified as pertaining to anarchism, by the legislation of both the demanding country and the country upon which demand is made.

Art. 3. In no case can the nationality of the person accused prevent his or her surrender under the conditions stipulated by the present treaty, but no government shall be bound to grant the extradition of its own citizens, reserving to itself the right to surrender them, when in its judgment it is proper to do so.

Art. 4. If the person whose extradition is demanded is subject to penal proceeding, or is detained for having committed an offense in the country where he has sought refuge, his delivery shall be delayed until the end of the proceedings, or until he has served his sentence.

Civil obligations contracted by the accused in the country of refuge shall not be an obstacle to his delivery.

Art. 5. Extradition, when granted, does not authorize the trial and punishment of the party surrendered, for a crime different from the one that may have served as ground for the corresponding demand; unless it has connection therewith and is founded upon the same proof as that of the demand.

This stipulation is not applicable to crimes and felonies committed after extradition.

Art. 6. If another State or States, by virtue of stipulations in treaties, demand the surrender of the same individual by reason of different felonies, preference shall be given to the demand of the State, in whose territory the greatest offense has been committed in the judgment of the State upon which the requisition has been made. If the felonies should be considered of the same degree, preference shall be given to the State having priority in the demand for extradition, and if all the demands bear the same date, the country upon which the demand is made shall determine the order of surrender.

Art. 7. The requests for extradition shall be presented by the respective diplomatic or consular agents; and in the absence of these directly by one Government to another; and they shall be accompanied by the following documents:

I. In regard to alleged delinquents, a legalized copy of the penal law applicable to the offense for which the demand is made, and of the commitment and other requisites referred to in clause IV of art. 1, shall be furnished.

II. With regard to those already sentenced, a legalized copy of the final sentence of condemnation.

All data and antecedents necessary to prove the identity of the person whose surrender is asked for, shall also accompany the demand.

Art. 8. In cases of urgency, the provisional deten-

tion of the individual demanded may be granted on a telegraphic request from the demanding Government to the Secretary of Foreign Affairs, or to the proper authority of the country upon which demand is made, and wherein a promise shall be made to send the documents mentioned in the foregoing article; but the person detained shall be liberated, if such documents are not presented within the term that may be designated by the nation on which demand has been made, provided such term shall not exceed three months, to be counted from the date of the detention.

Art. 9. The demand for extradition, in so far as the procedure is concerned, the determination of the genuineness of its origin, the admission and competency of the exception with which they can be opposed by the criminal or fugitive demanded, shall be submitted, whenever they do not conflict with the prescriptions of this Treaty, to the decision of the competent authorities of the country of refuge, which shall proceed in accordance with the legal provisions and practices established for such a case in said country. The fugitive criminal is guaranteed the right of habeas corpus, or the protection (*recurso de amparo*) of his individual guarantees.

Art. 10. All property which may be found in the possession of the accused, should he have obtained it through the perpetration of the act of which he is accused, which may serve as a proof of the crime for which his extradition is asked, shall be confiscated and delivered up with his person. Nevertheless, due recognition shall be given to the rights of third parties to the confiscated articles, provided they are not implicated in the accusation.

Art. 11. The transit through the territory of one of the Contracting States of any individual delivered by a third country to another State not belonging to the country of transit, shall be granted on the simple presentation, either of the original or of a legalized copy of the resolution granting the extradition by the Government of the country of refuge.

Art. 12. All expenses connected with extradition of the fugitive shall be for the account of the demanding State, with the exception of the compensation to the public functionaries who receive a fixed salary.

Art. 13. The extradition of any individual guilty of acts of anarchism can be demanded whenever the legislation of the demanding State and of that on which demand is made has established penalties for such acts. In such case, it shall be granted altho the

individual whose extradition be demanded may be liable to imprisonment of less than two years.

Art. 14. The Contracting Governments agree to submit to arbitration all controversies which may arise out of the interpretation or carrying into effect of this Treaty, when all means for a direct settlement by amicable agreements shall have failed.

Each contracting party shall name an arbitrator, and the two shall name an umpire in case of dispute. The Committee of Arbitrators shall adopt the rules for the arbitration proceedings in every case.

Art. 15. The present Treaty shall remain in force for five years from the day on which the last exchange of ratifications shall have been made and shall remain in force for another term of five years if it should not have been denounced twelve months before the expiration of that period. In case any government or governments should denounce it, it shall remain in force among the other contracting parties. This Treaty shall be ratified and the ratification shall be exchanged in the city of Mexico, within one year from the time of its being signed.

Art. 16. If any of the High Contracting Parties should have concluded treaties of extradition among themselves, such treaties shall be amended only in the part modified or altered by the provision of the present Treaty.

Transitory article. The representatives of Costa Rica, Ecuador, Honduras and Nicaragua signed this Treaty with the reserve that their respective Governments shall not deliver the culprits who deserve the death penalty, according to the legislation of the demanding countries, except under the promise that such penalty shall be commuted for the one next below in severity.

If the Governments of the above mentioned Delegations sustain the same reserve upon ratifying the present Treaty, the latter will only bind them with those governments which accept the conditions referred to.

Mexico, January 24, 1902.—(Signed) *Alberto Elmore*.—*Rosendo Pineda*

The Treaty of Extradition and Protection against Anarchy, drafted exactly in the same terms of the above report, was signed on the 28th of January, 1902, by the Delegations of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, Salvador, United States of America, Guatemala, Hayti, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay.

## NUMBER 10.

## Practice of the Learned Professions.

SESSION OF NOVEMBER 29, 1901.

*Secretary Duret*.—The Chilean Delegation has presented the following project of convention upon the practice of the learned professions, which, by ruling of the President, passes to the Committee on the practice of the Learned Professions and Literary Relations, for examination:

**EXPOSITION of Reasons for the proposed Convention regarding the Practice of the Learned Professions, which the Delegation of Chili submits to the Second International American Conference.**

There is no need of an elaborate exposition of the reasons which make it advisable to extend, as far as possible, the Practice of the Learned Professions in

the countries which compose the International American Union.

To place the scientific men of all these nations in contact with each other; to facilitate in each country the professional practice of knowledge acquired in different schools; and to open, throughout the entire extent of the territories which comprise the contracting nations, a field of action for the intellectual activity of those who, enlightened by special studies, desire to work for honorable gain outside of their native land—these are advantages beyond discussion, universally understood, and constituting an aspiration for a long time cherished by all the countries of America.

But though it may be well to favor the realization of these beneficial objects, by adopting prudent measures, still it does not appear advisable to grant them such absolute liberty, as might prove adverse to the end desired. The proper protection of the populations over which the constituted authorities have the duty to watch, requires, on the contrary, a restriction of this liberty in such measure as is demanded by the high consideration of caution, and it may be said, of police vigilance, the importance of which cannot be disregarded in domestic or international legislation.

To these latter considerations are due the restrictions suggested in this present project. Without being in any manner prohibitive to the free international practice of the Learned Profession, they aim to shut the door to those who may not be properly prepared, and thus offer, therefore, an indispensable safeguard to those high interests, which must be protected above all others.

**Draft of a Convention regarding the Practice of the Learned Professions.**

Art. 1. The citizens of any of the Republics signing the present Convention, may freely exercise the profession for which they may be duly authorized by diploma or title granted by a competent national authority, even if such authority should not be of their native country, in any of the territories of the other nations, provided that such diploma or title complies with the regulations established in articles 2 and 4, and that the laws of the country, in which it is desired to practice the profession, do not require the practitioner to be a citizen.

The certificate of preparatory and higher studies, issued by any of the countries, parties to this Convention, in favor of citizens of one of their number, shall have in all the rest of the contracting countries, the same effect as that authorized by the laws of the Republic of their origin.

Art. 2. Each one of the Contracting Parties, reserves, however, the right to require the citizens of another country who may present diplomas or titles of physician or any other profession related to surgery or medicine, including that of pharmacy, that they submit themselves to a previous general examination in the branch of the profession which the respective title or diploma authorized to practice, in such a manner as may be determined by each Government.

Art. 3. Each one of the Contracting Parties shall give official notice to the others, regarding the universities and educational institutions of the signatory countries whose titles and diplomas are considered valid for the practice of the professions, the subject of this Convention, in its own territory.

Art. 4. The diploma, title or certificate, of preparatory or higher studies, duly authenticated, and the certificate of identification of the person, given by the respective diplomatic or consular agent accredited to the country which has issued these documents, shall be sufficient evidence to meet the requirements contemplated by this Convention, whenever they have been registered in the Department of Foreign Relations of the country in which it is desired to practice the profession, which Department shall inform accordingly the proper authorities of the country in which the respective title may have been issued.

Art. 5. The present Convention shall remain in force indefinitely, but any of the High Contracting Parties may cause it to be abrogated, in so far as such country is concerned, one year after having given the proper notice to the other contracting parties.

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

(Signed.)—*A. Blest Gana.*—*Joaquin Walker M.*  
—*Emilio Bello C.*—*Augusto Matte.*

SESSION OF DECEMBER 2, 1901.

*Secretary Macedo.*—The Committee on the Learned Professions and Literary Relations has presented its report upon the project of the Chilean Delegation, relative to the practice of said professions. This report, which the President has ordered to be printed and distributed among the Delegates, reads as follows:

**REPORT of the Committee on Practice of the Learned Professions and Literary Relations relative to the proposed Convention regarding the Practice of the Learned Professions, presented by the Chilean Delegation.**

To the International Conference of the American Republics.

Honored Gentlemen:

Your Committee on Practice of the Learned Professions and Literary Relations appointed to report upon the propositions submitted to the Conference relating to the Practice of the Learned Professions, has taken into careful consideration that of a Convention which the Delegation of Chile submits on the matter, for your examination.

Your 12th Committee considers that the proposition referred to embraces, happily, all the provisions wherein are considered at once the facilities that should be offered in our countries to the practice of the Learned Professions, and those which, in a prudent manner, should provide for the indispensable restrictions in the interests of the countries where said professions are to be practiced.

Therefore, the Committee considers, that the approval of the proposition by the Conference, shall be an important step in favor of the confraternity forming the Pan-American Union, and that it will tend to the widening of their scientific relations and to the benefit their common interests.

(Signed.) *A. Blest Gana.*—*M. Garcia Merou.*—*M. Sanchez Marmol.*

SESSION OF DECEMBER 6, 1901.

*Secretary Macedo.*—The report of the Committee on the Learned Professions and Literary Relations

is now under discussion, as a whole, relative to the project of convention for the practice of those professions, presented by the Chilean Delegation.

*His Excellency Mr. Pepper, Delegate from the United States of America.*—Mr. President: I do not want to delay this matter by offering any amendment; but I would like to ask the Chilean Delegation whether it is possible to amend the first article so as to change the last words.

As I understand it, there is no national authority in our country that could have jurisdiction in this case: it is entirely a matter of State authority. I think the university that is attended by the largest number of students from Spanish-American countries is the University of Pennsylvania, in the State of the same name, and in the project now under discussion, as it is worded, there would be no possibility of any recognition of that University. If it were possible to amplify the article in such manner that it might read «competent national authority of the State or other authority,» the objection might be obviated.

I wish the Chilean Delegation would tell me if it is possible to do that.

*His Excellency Mr. Blest Gana, Delegate from Chile.*—Mr. President: The purpose that the Chilean Delegation has had in view in the preparation of this project, has been solely to facilitate, in all possible, the practice of the learned professions from one country to another.

Moreover, the report of the Committee has had in view the idea, and sustains it as very practical, that there should be placed certain restrictions upon the free exercise of the learned professions, where soever they might compromise either public good or national interest, which it is well to defend.

The Chilean Delegation and the Committee found themselves confronted by this consideration in drafting the project; there are countries where establishments of learning of the States, and even of private parties, are vested with the right to issue diplomas; the change adopted by the Committee is not to admit all the diplomas issued in the States, without exception, but those only that the Government admits, such as those from accepted universities. I do not think, therefore, that the Honorable from the United States of America will experience any difficulty in accepting the proposition in the form in which it is couched, because it does not exclude any university having sufficient title to inspire confidence in the Governments, and thus designated by them as acceptable. For this reason, the following method was adopted, which respects all legislations: that each country have the right to designate the universities, which, according to its understanding, may issue diplomas, to be held valid within its own territory.

Evidently if we were all governed by the same laws, if we all had official universities and diplomas issued by the Government, there would be no necessity of this exception; but in the case precisely of the United States, where there is an infinity of universities, the programmes and the plans of study of which are not perfectly known, it is necessary to leave each one of the States at liberty to designate the diplomas that it will admit. Thus, for example, if the United States does not entertain confidence in this or that university, it does not put it down in its list, and has a perfect right to say: I

will not allow a physician or a lawyer to come from such an university to practice in my territory, without first submitting to an examination.

Consequently, I think that the proposition embodied in the article consults the interest of each country and leaves it at liberty to admit the diplomas that may appear to it entirely acceptable.

I have found it necessary to enter upon a discussion of special articles of the project, because the remark made by Mr. Pepper brings up discussion on those articles, and does not relate to the idea in general. The approval, as a whole, of the project, signifies only that in the countries signing the convention, it be established that persons from other States may come there to practice the learned professions.

I do not think that we can, therefore, enter into discussion, in detail, of each article, and for this reason I will await until we reach it, in order to give all due explanations to the Honorable Delegate from the United States.

*His Excellency Mr. Guachalla, Delegate from Bolivia.*—The Delegation of Bolivia desires, Mr. President, to find itself ever in accord with the opinions of all the American Governments: such are the desires and the instructions I hold; but in the present case, unfortunately, and it is very painful to me to make it manifest, I am not in conformity with the project under discussion, neither as a whole nor in part. And the reason is very simple: the Government of Bolivia was one of the first in South America to establish the free exercise of the learned professions.

Nearly sixty years ago it conceded, by a special decree, to Peruvian lawyers the right to practice their profession in Bolivia. Later, approximately forty years ago, it celebrated a treaty with the Argentine Republic, establishing that liberty of professions, without other requisite than proof of the genuineness of the diploma and the identity of the person presenting it. Later it has celebrated with the Republic of Peru a diplomatic pact, in which are established these same conditions for the exercise of the learned professions, like those of lawyer, physician, engineer, etc. A year afterward, it also celebrated an identical convention with the Republic of Ecuador, to which I had the honor to contribute. Then came the Congress of Montevideo, and there several countries also signed a convention, establishing the liberty of the exercise of professions, with these two conditions only: authenticity of the diploma, duly proven, and identity of the person.

Thus, my country is at present united with seven Nations in this respect; the four, which in addition to Bolivia, signed the Treaty of Montevideo, being: Argentina, Peru, Paraguay and Uruguay; Ecuador, with which it has a special pact; and Venezuela, with which it celebrated, under the same conditions and even in the very literal terms, a convention for the free exercise of professions.

Consequently, if the vote of the Bolivian Delegation were to approve the project, it would be in contradiction with the written antecedents of its Government. The project of the Chilean Delegation should be, without doubt, very learned and magnificently conceived; but it is in contradiction with the pacts that the Government of Bolivia has celebrated; it would be necessary, probably, to annul those with other nations in order to adhere to the restrictions established by the project of treaty under discussion.