

pany the requisition. When, however, the fugitive shall have been merely charged with a crime or offence, a similarly authenticated and attested in the country where the crime or offence is charged to have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

Whenever, in the schedule of crimes and offences of article II, it is provided that surrender shall depend on the fact of the crime or offence charged being punishable by imprisonment or other corporal punishment according to the laws of both Contracting Parties, the Party making the demand for extradition shall furnish, in addition to the documents above stipulated, an authenticated copy of the law of the demanding country defining the crime or offence, and prescribing a penalty therefor.

The formalities being fulfilled, the proper executive authority of the United States of America, or of the United Mexican States, as the case may be, shall then cause the apprehension of the fugitive, in order that he or she may be brought before the proper judicial authority for examination.

If it should then be decided that, according to the law and the evidence, the extradition is due pursuant to the terms of this Convention, the fugitive may be given up according to the forms of law prescribed in such cases.

ARTICLE IX.

In the cases of crimes or offences committed or charged to have been committed in the frontier States or Territories of the two Contracting Parties, requisitions may be made either through their respective diplomatic or consular agents as aforesaid, or through the chief civil authority of the respective State or Territory or through such chief civil or judicial authority of the districts or counties bordering on the frontier as may for this purpose be duly authorized by the said chief civil authority of the said frontier States or Territories, or when, from any cause, the civil authority of such State or Territory shall be suspended, through the chief military officer in command of such State or Territory, and such respective competent authority shall thereupon cause the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination; and the record of such examination, with the evidence, duly attested, shall be forwarded to the proper executive authority of the United States of America or of the United Mexican States, as the case may be; when it is found by such respective executive authority that, according to the law and the evidence, the extradition is due pursuant to the terms of this Convention, the fugitive may be given

up according to the forms of law prescribed in such cases.

ARTICLE X.

On being informed by telegraph or otherwise, through the diplomatic channel that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each Government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding forty days, to await the production of the documents upon which the claim for extradition is founded.

ARTICLE XI.

In every case of a demand made by either of the two Contracting Parties for the arrest, detention, or extradition of fugitive criminals, in pursuance of the provisions of this Convention, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the

Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensations for any of the services so rendered shall be made against the Government demanding the extradition; provided, however, that and officer or officers of the surrendering Government so giving assistance, who shall in the usual course of their duties be compensated by specific fees for services performed in lieu of salary therefor, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

A person surrendered under this Convention shall not be tried or punished in the country to which his or her extradition has been granted, nor given up to a third Power, for a crime or offence not provided for by this Convention and committed previous to his or her extradition, unless the consent of the surrendering Government be given for such trial or such surrender to a third Power.

But such consent shall not be necessary:

(a) When the accused shall have voluntarily requested to be so tried or surrendered to a third Power.

(b) When he or she shall have been free to leave the country during thirty days after discharge from custody because of the charge on which he or she was surrendered, or, if convicted thereof, during thirty days after having satisfied his or her penalty or having been pardoned.

ARTICLE XIII.

A person surrendered under this Convention may be tried and punished in the country to which his extradition has been granted, or may be given up to a third Power, for any crime or offence provided for by article II of this Convention, and committed previous to his extradition, besides that which gave rise to the extradition. Notice of the purpose to so try or surrender him, with specification of the crime or offence charged, shall be given to the Government which surrendered him, which may, if it thinks proper, require the production of documentary evidence of the charged conformably to the prescription of article VIII hereof.

ARTICLE XIV.

The expense of the arrest, detention, and transportation of the person claimed shall be paid by the Government in whose name the requisition has been made.

ARTICLE XV.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime or offence for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XVI.

A person surrendered to or delivered up by either of the Contracting Parties by virtue of a convention of extradition with a third party and not being a citizen of the country of transit may be conveyed in transit across the territory of the other, if the convenient course of travel from or to the country to which he has been surrendered shall lie in whole or part within such territory.

The Contracting Party delivering up or receiving such surrendered person shall make application for such purpose to the Government of the country through which transit is desired, producing in support of such application a duly attested copy of the warrant of surrender issued by the Government granting the extradition; and, thereupon, the proper executive authority of the country whose territory is to be so traversed may issue a warrant permitting the transit of the surrendered person transported. Such transit must be wholly accomplished within thirty days, counting from the date of the entrance of such transported person within the territory of the country of transit, after which time said person may be set at liberty if there found.

This article shall not, however, take effect until the Congress of the respective countries shall by law authorize such transit, and the issue of a warrant therefor.

ARTICLE XVII.

Each of the Contracting Parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any one of the crimes or offences mentioned in article II, exclusively committed in its territory against the Government or any of the citizens of the other Contracting Party, when the person accused

may have taken refuge or be found within the territory of the latter, provided the said crime or offence is one that is punishable, as such, in the territory of the demanding country.

ARTICLE XVIII.

The present Convention shall take effect from the date of the exchange of ratifications, but its provisions shall be applied to all cases of crimes or offences enumerated in article II which may have been committed since the twenty fourth of January eighteen hundred and ninety nine.

ARTICLE XIX.

This Convention shall continue in effect until six months after a desire for its termination shall have been expressed in due form by one of the two Governments to the other.

It shall be ratified by both Contracting Parties, and its ratifications shall be exchanged at the City of Mexico as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention both in the English and Spanish language and thereunto affixed their seals.

Done in duplicate at the City of Mexico, this

twenty second day of February, eighteen hundred and ninety nine.

(L. S.) *Ignacio Mariscal.*

(L. S.) *Powell Clayton.*

"Que la precedente Convención fué aprobada por la Cámara de Senadores de los Estados Unidos Mexicanos con fecha doce del presente mes, y ratificada por mí el día siguiente;

"Que, igualmente, fué aprobada por el Senado de los Estados Unidos de América con fecha dos de Marzo próximo pasado, y ratificada por el Presidente de los Estados Unidos de América el día ocho del mismo mes;

"Y que las ratificaciones fueron canjeadas en esta capital el día de anteayer.

"Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

"Palacio Nacional de México, á veinticuatro de Abril de mil ochocientos noventa y nueve.—*Porfirio Díaz.*—Al Sr. Lic. Don Ignacio Mariscal, Secretario de Estado y del Despacho de Relaciones Exteriores."

Y lo comunico á vd. para los fines consiguientes, renovándole las protestas de mi atenta consideración.

—*Mariscal.*—Señor.....

"Diario Oficial."—Núm. 48—Abril 25 de 1899.

NUMERO 103.

DECRETO.

Secretaría de Estado y del Despacho de Fomento, Colonización é Industria.—México.—Sección 2ª

"*PORFIRIO DÍAZ, Presidente Constitucional de los Estados Unidos Mexicanos.*—A todos los que la presente vieren, sabed:

Que en virtud de lo dispuesto en el artículo 27 de la ley de 7 de Junio de 1890 y en atención á que el Señor Willard Redd Green, ha cumplido con los requisitos que establece en sus artículos relativos, le expido á nombre de la Nación Patente de Privilegio por veinte años, por un procedimiento mejorado con su aparato para la conversión directa de la energía de un combustible y de un medio dilatante en fuerza, inventado por el expresado Sr. Green y el Sr. Augustus Howard, asegurándole por la presente el derecho exclusivo de usar en toda la República, su expresado procedimiento.

Dado en el Palacio del Poder Ejecutivo de la Unión, en México, á 25 de Abril de 1899.—*Porfirio Díaz.*—Rúbrica.—El Secretario de Fomento, *M. Fernández Leal.*—Rúbrica.

"Diario Oficial."—Número 40.—Junio 15 de 1899.