

## EXTRADITION

*Convention signed at Washington August 7, 1882, amending and supplementing convention of January 5, 1877*

*Ratified by Spain February 15, 1883*

*Senate advice and consent to ratification February 27, 1883*

*Ratified by the President of the United States April 4, 1883*

*Ratifications exchanged at Washington April 19, 1883*

*Entered into force April 19, 1883*

*Proclaimed by the President of the United States April 19, 1883*

*Terminated April 14, 1903, by treaty of July 3, 1902<sup>1</sup>*

22 Stat. 991; Treaty Series 334

The President of the United States of America and His Majesty the King of Spain, being satisfied of the propriety of adding some articles to the extradition convention concluded between the United States and Spain on the 5th day of January, 1877,<sup>2</sup> with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, Knight Grand Cross of the Royal American Order of Isabel la Católica, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having reciprocally exhibited their full powers, found in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

Paragraph 5 of Article II. of the aforesaid Convention of January 5, 1877, is abrogated, and the following substituted:

5. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations.

<sup>1</sup> TS 422, *post*, p. 628.

<sup>2</sup> TS 330, *ante*, p. 549.

(b) Destruction or loss of a vessel caused intentionally, or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel, on the high seas.

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a 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 violence taking possession of such vessel.

Paragraph 12 of said Article II. is amended to read as follows:

12. The embezzlement or criminal malversation of public funds committed within the jurisdiction of one or the other party, by public officers or depositaries.

Paragraph 13 of said Article II. is likewise modified to read as follows:

13. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries.

Paragraph 14 of said Article II. is likewise modified to read as follows:

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

## ARTICLE II

In continuation and as forming part of Article II. of the aforesaid Convention of January 5, 1877, shall be added the following paragraphs:

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

16. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

17. Slave-trade, according to the laws of each of the two countries respectively.

18. Complicity in any of the crimes or offences enumerated in the Convention of January 5, 1877, as well as in these additional articles, provided that the persons charged with such complicity be subject as accessories to imprisonment or other corporal punishment by the laws of both countries.

## ARTICLE III

After Article XI. of the aforesaid Convention of January 5, 1877, shall be inserted the two following articles:

*Article XII*

If, when a person accused shall have been arrested in virtue of the mandate or preliminary warrants of arrest, issued by the competent authority as provided in Article XI. hereof, and been brought before a judge or magistrate to the end of the evidence of his or her guilt being heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding twenty-five days, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused; and if, at the expiration of said period of twenty-five days, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released; provided that the examination of the charges preferred against such accused person shall not be actually going on.

*Article XIII*

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitive criminals in pursuance of the convention of January 5, 1877, and of these additional articles, 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 compensation for any of the services so rendered shall be made against the government demanding the extradition; provided however that any officer or officers of the surrendering government, so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, 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 IV

All the provisions of the aforesaid convention of the 5th of January, 1877, not abrogated by these additional articles, shall apply to these articles with the same force as to the said original Convention.

This additional Convention shall be ratified and the ratifications exchanged at Washington as soon as may be practicable; and upon the exchange of

ratifications it shall have immediate effect, and form a part of the aforesaid Convention of January 5, 1877, and continue and be terminable in like manner therewith.

In testimony whereof the respective Plenipotentiaries have signed the present additional Convention in duplicate, in the English and Spanish languages, and have hereunto affixed their seals.

Done at the city of Washington this 7th day of August in the year of our Lord one thousand eight hundred and eighty-two.

FREDK. T. FRELINGHUYSEN [SEAL]

FRAN<sup>co</sup> BARCA [SEAL]