

ARTICLE IV.

The extradition shall not take place if the person claimed on the part of Her Majesty's Government, or the person claimed on the part of the Government of Chile, has already been tried and discharged or punished, or is still under trial in the territory of the Republic of Chile or in the United Kingdom respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of Her Majesty's Government, or on the part of the Government of Chile, should be under examination for any other crime in the territory of the Republic of Chile or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

ARTICLE V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applying or applied to.

It shall likewise not take place when, according to the law of either country, the maximum punishment for the offence is imprisonment for less than one year.

ARTICLE VI.

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 he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

ARTICLE VII.

A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

ARTICLE VIII.

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the com-

ARTICULO IV.

La estradicion no tendrá lugar si el individuo reclamado por el Gobierno de Su Majestad, ó el individuo reclamado por el Gobierno de Chile, ya hubiese sido enjuiciado i puesto en libertad o castigado, o continuará procesado en el territorio de la República de Chile ó en el Reino Unido respectivamente, por el crimen por el que se demande su estradicion.

Si el individuo reclamado por el Gobierno de Su Majestad, ó por el Gobierno de Chile, estuviera detenido por cualquier otro crimen en el territorio de la República de Chile o en el Reino Unido respectivamente, su estradicion será aplazada hasta la terminacion del juicio i la completa ejecucion del castigo que le fué impuesto.

ARTICULO V.

La estradicion no tendrá lugar si, despues de cometido el crimen ó de instituida la acusacion criminal o de condenado el reó, surjera la prescripcion, segun las leyes del Estado requerido ó requiriente.

No tendrá igualmente lugar cuando, segun la lei de cada pais, la mas alta pena del delito sea menor de un año de prision.

ARTICULO VI.

Un criminal fugado no será entregado si el delito por el cual se solicita su estradicion es de carácter político, o si dicho criminal prueba que el pedido estradicion se ha hecho en realidad con la mira de enjuiciarlo o castigarlo por un delito de carácter político.

ARTICULO VII.

Un individuo entregado no puede en caso alguno ser detenido ni enjuiciado en el Estado al que se haga la entrega, por otro crimen o por otros asuntos que no sean aquellos que hayan motivado la estradicion, hasta tanto que haya sido devuelto, o haya tenido una oportunidad de regresar al Estado que lo entregare.

Esta estipulacion no es aplicable a crímenes cometidos despues de la estradicion.

ARTICULO VIII.

La requisitoria para la estradicion se hara por los Agentes Diplomáticos de las Altas Partes Contratantes respectivamente.

La requisitoria para la estradicion de un individuo acusado ha de ser acompañada de orden de prision, dada por autoridad competente del Estado que requiera la estradicion, i de aquellas pruebas que, segun las leyes del lugar donde sea hallado el acusado, justificarian su prision si el crimen hubiese sido cometido allí.

Si la requisitoria se relaciona con persona ya condenada, deberá venir acompañada de la sentencia condenatoria dictada contra la persona condenada por el Tribunal competente del Estado que haya la requisitoria para la estradicion.

Una sentencia dictada en rebeldia no ha de reputarse condenatoria, pero a una persona así sentenciada puede tratarse como a persona acusada.

ARTICULO IX.

Si la requisitoria para la estradicion está de acuerdo con las precedentes estipulaciones, las