

July 13, 1889.

Extradition Convention between the United States of America and Her Britannic Majesty, supplementary to the Tenth Article of the Treaty concluded between the same High Contracting Parties on the ninth day of August, 1842. Concluded at Washington, July 12, 1889; ratification advised (with amendments) by the Senate February 18, 1890; ratified by the President of the United States February 25, 1890; ratified by Her Britannic Majesty, March 8, 1890; ratifications exchanged at London, March 11, 1890; proclaimed March 25, 1890.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble

Public Treaties, vol. 18, pt. 2, p. 320.

Whereas an Extradition Convention between the United States of America and the United Kingdom of Great Britain and Ireland, supplementary to the Tenth Article of the Treaty concluded between the same High Contracting Parties, on the ninth day of August, 1842, was concluded and signed by their respective Plenipotentiaries, on the twelfth day of July, 1889, the original of which Convention, as amended by the Senate of the United States and being in the English language, is word for word as follows :

Extradition convention.

Extradition Convention between the United States of America and Her Britannic Majesty, supplementary to the Tenth Article of the Treaty, concluded between the same High Contracting Parties on the ninth day of August, 1842.

Preamble.

Whereas by the Tenth Article of the Treaty concluded between the United States of America and Her Britannic Majesty on the ninth day of August, 1842, provision is made for the extradition of persons charged with certain crimes ;

And Whereas it is now desired by the High Contracting Parties that the provisions of the said article should embrace certain crimes not therein specified, and should extend to fugitives convicted of the crimes specified in the said Article and in this Convention ;

Plenipotentiaries.

The said High Contracting Parties have appointed as their Plenipotentiaries to conclude a Convention for this purpose, that is to say :

The President of the United States of America, James G. Blaine, Secretary of State of the United States ;

And Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, Sir Julian Pauncefote, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles :

ARTICLE I.

Additional extraditable crimes.

The provisions of the said Tenth Article are hereby made applicable to the following additional crimes :

Voluntary manslaughter.
Counterfeiting, etc.

1. Manslaughter, when voluntary.
2. Counterfeiting or altering money ; uttering or bringing into circulation counterfeit or altered money.

3. Embezzlement; larceny; receiving any money, valuable security, or other property, knowing the same to have been embezzled, stolen, or fraudulently obtained. Embezzlement, larceny, etc.
 4. Fraud by bailee, banker, agent, factor, trustee, or director or member or officer of any company, made criminal by the laws of both countries. Fraudulent breach of trust.
 5. Perjury, or subornation of perjury. Perjury.
 6. Rape; abduction; child-stealing; kidnapping. Rape, etc.
 7. Burglary; house-breaking or shop-breaking. Burglary, etc.
 8. Piracy by the law of nations. Piracy.
 9. Revolt, or conspiracy to revolt by two or more persons on board a ship on the high seas, against the authority of the master; wrongfully sinking or destroying a vessel at sea, or attempting to do so; assaults on board a ship on the high seas, with intent to do grievous bodily harm. Mutiny and crimes on high seas.
 10. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading. Slave trade.
- Extradition is also to take place for participation in any of the crimes mentioned in this Convention or in the aforesaid Tenth Article, provided such participation be punishable by the laws of both countries. Complicity.

ARTICLE II.

A fugitive criminal shall not be surrendered, if the offence in respect of which his surrender is demanded be 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. No surrender for political offences.

No person surrendered by either of the High Contracting Parties to the other shall be triable or tried, or be punished for any political crime or offence, or for any act connected therewith, committed previously to his extradition. No person surrendered to be tried for political offence.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government in whose jurisdiction the fugitive shall be at the time shall be final. Decision by country of asylum, final.

ARTICLE III.

No person surrendered by or to either of the High Contracting Parties shall be triable or be tried for any crime or offence, committed prior to his extradition, other than the offence for which he was surrendered, until he shall have had an opportunity of returning to the country from which he was surrendered. No person surrendered to be tried for other than offence for which extradited.

ARTICLE IV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable, and if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected. Articles on fugitive to be given up with fugitive.

ARTICLE V.

If the individual claimed by one of the two High Contracting Parties, in pursuance of the present Convention, should also be claimed by one or several other Powers on account of crimes or offences com- Person claimed by other powers.

mitted within their respective jurisdictions, his extradition shall be granted to that State whose demand is first received.

The provisions of this Article, and also of Articles II to IV, inclusive, of the present Convention, shall apply to surrender for offences specified in the aforesaid Tenth Article, as well as to surrender for offences specified in this Convention.

ARTICLE VI.

Extradition to be in conformity with law of surrendering State.

The extradition of fugitives under the provisions of this Convention and of the said Tenth Article shall be carried out in the United States and in Her Majesty's dominions, respectively, in conformity with the laws regulating extradition for the time being in force in the surrendering States.

ARTICLE VII.

Applicable to persons whose sentences have not been executed.

The provisions of the said Tenth Article and of this Convention shall apply to persons convicted of the crimes therein respectively named and specified, whose sentence therefor shall not have been executed.

Copy of sentence, etc., to be produced.

In case of a fugitive criminal alleged to have been convicted of the crime of which his surrender is asked, a copy of the record of the conviction and of the sentence of the court before which such conviction took place, duly authenticated, shall be produced, together with the evidence proving that the prisoner is the person to whom such sentence refers.

ARTICLE VIII.

Not to apply to prior crimes, etc.

The present convention shall not apply to any of the crimes herein specified which shall have been committed, or to any conviction which shall have been pronounced, prior to the date at which the Convention shall come into force.

ARTICLE IX.

Exchange of ratifications.

This Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

Continuance.

It shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall continue in force until one or the other of the High Contracting parties shall signify its wish to terminate it and no longer.

In witness whereof, the undersigned have signed the same and have affixed thereto their seals.

Done in duplicate, at the city of Washington, this twelfth day of July, 1889.

[SEAL.]
[SEAL.]

JAMES G. BLAINE.
JULIAN PAUNCEFOTE.

Ratification.

And whereas the said Convention has been duly ratified on both parts and the respective ratifications of the same were exchanged at the City of London, on the 11th day of March one thousand eight hundred and ninety:

Proclamation.

Now, therefore, be it known that I, Benjamin Harrison, President of the United States of America, have caused the said Convention, as amended, to be made public, to the end that the same, and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 25th day of March, in the year of our Lord one thousand eight hundred and ninety, and of [SEAL.] the Independence of the United States the one hundred and fourteenth.

BENJ. HARRISON

By the President:
JAMES G. BLAINE,
Secretary of State.

APPENDIX.

[For convenient reference article X of the Treaty of August 9, 1842, is herewith reprinted.]

TREATY TO SETTLE AND DEFINE BOUNDARIES; FOR THE FINAL SUPPRESSION OF THE AFRICAN SLAVE TRADE; AND FOR THE GIVING UP OF CRIMINALS FUGITIVE FROM JUSTICE.

Concluded at Washington, August 9, 1842; Ratifications exchanged at London, October 13, 1842; Proclaimed November 10, 1842.

* * * * *

ARTICLE X.

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisitions by them, or their Ministers, officers, or authorities, respectively made, deliver up to justice, all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged, shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed: And the respective judges and other magistrates of the two Governments, shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge it shall be the duty of the examining judge or magistrate, to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.—The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition, and receives the fugitive.

ARTICLE XI.

* * * The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.