

Germany (*Baden*)

EXTRADITION

Convention signed at Berlin January 30, 1857

Senate advice and consent to ratification March 12, 1857

Ratified by Baden March 22, 1857

Ratified by the President of the United States March 23, 1857

Ratifications exchanged at Berlin April 21, 1857

Entered into force April 21, 1857

Proclaimed by the President of the United States May 19, 1857

Obsolete

11 Stat. 713; Treaty Series 14¹

CONVENTION FOR THE MUTUAL DELIVERY OF CRIMINALS, FUGITIVES FROM JUSTICE, IN CERTAIN CASES, BETWEEN THE UNITED STATES, ON THE ONE PART, AND THE GRAND DUCHY OF BADEN ON THE OTHER PART

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and constitution of Baden do not allow its Government to surrender its own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the Convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States; therefore, on the one part, the United States of America, and on the other part, His Royal Highness, the Grand Duke of Baden, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention—that is to say:

¹ For a detailed study of this convention, see 7 Miller 491.

The President of the United States of America, Peter D. Vroom, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of the Kingdom of Prussia; and His Royal Highness the Grand Duke of Baden, Adolph, Baron Marschall de Bieberstein, His said Royal Highness' Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, &c &c &c, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I

It is agreed that the United States and Baden 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 fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, 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.

Nothing in this article contained shall be construed to extend to crimes of a political character.

ARTICLE II

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE III

Whenever any person accused of any of the crimes enumerated in this Convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this Convention, until he shall have

been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE IV

The present Convention shall continue in force until the 1st of January, one thousand eight hundred and sixty—1860; and if neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said 1st day of January, one thousand eight hundred and sixty—1860.

ARTICLE V

The present Convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Baden, and the ratifications shall be exchanged in Berlin within one year from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate at Berlin, the thirtieth day of January, one thousand eight hundred and fifty seven—1857—and the eighty first year of the Independence of the United States.

P. D. VROOM [SEAL]

ADOLPH B^{AR} MARSCHALL DE BIEBERSTEIN [SEAL]